

Chapter 10

BUILDINGS AND HOUSING

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Article 10.05

BUILDING CODES

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10.05.010 Title.

These regulations shall be known as The City of Gresham Building Code, may be cited as such and will be referred to herein as "this code."

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Amended, 07/17/1997)

10.05.020 Purpose.

The purpose of this code is to establish uniform

performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this city who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Amended, 07/17/1997)

10.05.030 Scope.

(1) This code shall apply to the construction, erection, alteration, moving, enlargement, demolition, repair, improvement, conversion, maintenance and work associated with any building or structure except those located in a public way.

(2) Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(3) Where, in any specific case, there is a conflict between this code and Oregon Revised Statutes, the statute shall govern.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Amended, 07/17/1997)

10.05.040 Definitions.

For the purpose of the code, the following definition shall apply:

Building Official. Shall mean the City Building Official

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Amended, 07/17/1997)

10.05.050 Adoption of the Oregon Structural Specialty Code.

(1) The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in the code, is adopted as part of this code.

(2) Grading: Appendix J of the Oregon State Structural Specialty Code (OSSC) is adopted as part of this code.

(3) The provisions of the Oregon Structural Specialty Code, in addition to its individual scoping provisions, shall also apply to demolition of structures, equipment and systems regulated by the Oregon Structural Specialty Code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997; Ord. No. 1490, Amended, 01/18/2000)

10.05.060 Adoption of the Oregon Mechanical Specialty Code.

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, except as modified in this code, is enforced as part of this code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.070 Adoption of the Oregon Plumbing Specialty Code.

The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, except as modified in this code, is enforced as part of the code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.080 Adoption of the Oregon Electrical Specialty Code.

The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0000 through 918-305-0320, except as modified in the code, is enforced as part of this code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.090 Adoption of the Oregon Residential Specialty Code.

(1) The Oregon Residential Specialty Code, as adopted by OAR 918-480-0001 through 918-480-0010, except as modified in this code, is enforced as part of this code with the additional inclusion of Appendix Section AN 109.4 through

109.4.3, Fire Protection Systems.

(2) Violation. Prohibited acts are described in ORS 455.450 and 455.895.

(3) The provisions of the Oregon Residential Specialty Code, in addition to its individual scoping provisions, shall also apply to demolition of structures, equipment and systems regulated by the Oregon Residential Specialty Code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.100 Adoption of the Oregon Manufactured Dwelling and Park Specialty Code.

(1) Parks: The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 928-600-0010, except as modified in this code, are enforced as part of this code.

(2) Manufactured Home Installations: The manufactured dwelling rules adopted by OAR 918-500-0000 through 918-500-0470, except as modified in this code, are enforced as part of this code.

(3) Recreational Park and Organization Camp Regulations: The recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0080, except as modified in this code, are enforced as part of this code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.110 Adoption of Administrative Provisions.

The following administrative sections of the Oregon Structural Specialty Code are adopted and enforced as part of this code: 103.3, 104.1 through 104.6, and 114.1 through 114.5.

(Ord. No. 1608, Enacted, 07/21/2005)

10.05.120 Building Official Connection after Order to Disconnect.

Connection after Order to Disconnect: No person shall make a connection to or from an energy, fuel or power supply to any equipment

regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official until the building official specifically authorizes the reconnection and/or use of such equipment.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.130 Local Appeals.

(1) The Chief Building Inspector shall first review any appeal of a plans examiner or inspector decision. The appeal may be verbal or in writing. The appeal must be made within 48 hours of the decision. There is no cost for this appeal. A decision will generally be issued within 24 hours of the appeal.

(2) The Assistant Building Official shall review any appeal of a Chief Building Inspector decision. The appeal may be verbal or in writing. The appeal must be made within 48 hours of the decision. There is no cost for this appeal. A decision will generally be issued within 24 hours of the appeal.

(3) The Building Official shall review any appeal of an Assistant Building Official decision. The appeal must be in writing. The appeal must be made within 72 hours of the decision. There is no cost for this appeal. A written decision will generally be issued within 48 hours of the appeal.

(4) Persons aggrieved by a decision of the Building Official relating to the administrative provisions of this Code may appeal to the Director of the Community and Economic Development Department. The appeal must be in writing. The appeal must be made within 72 hours of the decision. There is no cost for this appeal. A written decision will generally be issued within 5 business days of the appeal.

(5) Persons aggrieved by a decision of the Building Official relating to the technical provisions of this Code may appeal to the State of Oregon in accordance with ORS 455.475.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.140 Liability.

(1) The building official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this city until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the city.

(2) This code shall not be construed to relieve from or lessen the responsibility of any non-city agent or employee, including but not limited to any builder, contractor, agent or employee of any builder or contractor or any person owning, operating or controlling any building or structure, for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.150 Permit Expiration Extension and Reinstatement.

(1) Every permit issued by the building official shall expire by limitation and become null and void 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished. However, at the time of permit issuance the building official may approve a period exceeding 24 months for completion of work when the

permittee submits a report in writing demonstrating that the complexity or size of the project makes completing the project within 24 months impossible.

(2) Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 90 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once.

(3) Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

(a) The Building Code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit.

(b) No changes have been made or will be made in the original plans and specifications for such work.

(c) The original permit expired less than 90 days from the request to reinstate.

(d) The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.160 Permit Not Transferable.

A permit issued to one person or firm is not transferable and shall not permit any other person

or firm to perform any work thereunder.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.170 Inspections.

It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity until authorized to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.180 Fees.

Fees charged under this code shall be adopted by council resolution.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.190 Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this code shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the code, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this code notwithstanding the parts to be declared unconstitutional or invalid.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

10.05.200 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1000 per violation. Each day that a violation exists is a separate offense.

(Ord. No. 1608, Repealed/Replaced, 07/21/2005; Ord. No. 1424, Enacted, 07/17/1997)

Article 10.10

Repealed.

Sections:

10.10.010 Repealed.

10.10.020 Repealed.

10.10.030 Repealed.

10.10.040 Repealed.

10.10.050 Repealed.

10.10.060 Repealed.

10.10.070 Repealed.

10.10.080 Repealed.

10.10.010 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.020 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.030 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.040 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.050 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.060 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.070 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

10.10.080 Repealed.

(Ord. No. 1424, Repealed, 07/17/1997)

Article 10.15

BUILDING PERMITS

Sections:

10.15.010 [Payment Required.](#)

10.15.020 [Payment of Charges.](#)

10.15.010 Payments Required.

Applications for building permits within the city shall not be approved until the applicant has paid the required service charges for water service, sewer service, public sidewalk, and driveway approach.

10.15.020 Payment of Charges.

(1) Notwithstanding any other provision of the Gresham Revised Code, the Gresham Development Code or the Gresham Building Code, a final inspection for residential, commercial or industrial development or a certificate of occupancy for commercial or industrial development shall not be performed or issued until all applicable system development and facility charges have been paid or financed pursuant to the Gresham Revised Code.

(2) The failure of the city to collect system development, facility or any other charge at any point when due or past due, shall not constitute a waiver of the charge(s).

(Ord. No. 1540, Enacted, 02/05/2002)

Article 10.20

BURGLARY AND ROBBERY ALARM SYSTEMS

Sections:

- 10.20.010** [Purpose and Scope.](#)
- 10.20.020** [Definition.](#)
- 10.20.030** [Alarm Users Permit Required.](#)
- 10.20.040** [Fees for Excessive False Alarms.](#)
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- 10.20.060** [Special Permits.](#)
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- 10.20.110** [Confidentiality; Statistics.](#)
- 10.20.120** [Allocation of Revenues and Expenses.](#)
- 10.20.130** [Interpretation.](#)
- 10.20.140** [Enforcement.](#)

10.20.010 Purpose and Scope.

(1) The purpose of this article is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary police emergency responses to false alarms and thereby protect the emergency response capability of the county from misuse.

(2) This article governs burglary and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for fees for excessive false alarms, provides for no response to alarms, provides for punishment of violations, and establishes a system of administration.

(3) Revenue generated in excess of costs to administer this article shall be allocated for the use of participating law enforcement agencies to recover costs associated with alarm responses and for public education and training programs in reduction of false alarms in accordance with

GRC 10.20.120.
(Ord. No. 1587, Amended, 04/20/2004)

10.20.020 Definitions.

For purposes of this article, the following mean:

Alarm Business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Alarm System. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.

Alarm User. The person, firm, partnership, association, corporation, company, or organization of any kind that owns, controls, or occupies any building, structure or facility in which an alarm system is maintained.

Automatic Dialing Device. A device that is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response. Such a device is an alarm system.

Bureau of Emergency Communications. The city/county facility used to receive emergency and general information from the public to be dispatched to the respective police departments using the bureau.

Burglary Alarm System. An alarm system signaling an entry or attempted entry into the area protected by the system.

Coordinator. The individual designated by the sheriff to issue permits and enforce the burglar alarm provisions of this article.

Economically Disadvantaged Person. A person receiving public assistance or food stamps, or both.

False Alarm. An alarm signal, eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

Interconnect. To connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

No Response. Peace officers shall not be dispatched to investigate a report of an alarm signal.

Police Chief. The Chief of Police of the city, or designee.

Primary Trunk Line. A telephone line serving the Bureau of Emergency Communications that is designated to receive emergency calls.

Robbery Alarm System. An alarm system signaling a robbery.

Sheriff. Sheriff of Multnomah County or his designated representative.

Sound Emission Cutoff Feature. A feature of an alarm system that will cause an audible alarm to stop emitting sound.

System Becomes Operative. The alarm system is capable of eliciting a response by police.

(Ord. No. 1587, Amended, 04/20/2004)

10.20.030 Alarm Users Permits Required.

(1) Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office within 30 days of the time when the system becomes operative. Users of systems using both robbery and burglary alarm capabilities shall obtain separate permits for each

function. Application for a burglary or robbery alarm user's permit and a fee for each shall be filed with the coordinator's office each year. Each permit shall bear the signature of the sheriff and be valid for a one year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the sheriff.

(2) Alarm Permit Fees shall be set by council resolution.

(3) If a residential alarm user is over the age of 62 or is an economically disadvantaged person and is a resident of the residence, and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office without the payment of a fee.

(4) A late fee will be charged to an alarm user who fails to obtain a permit within 30 days after the system becomes operative, or to an alarm user who is more than 30 days delinquent in renewing a permit.

(4) If an alarm user fails to renew a permit within 30 days after the permit expires, the coordinator shall notify the alarm user, by certified mail, that unless the permit is renewed and all fees are paid within 30 days from the date of mailing of the certified letter, police response to the alarm will thereafter be suspended. If the permit is not renewed and all fees are not paid the coordinator shall suspend police response to the alarm and make notifications as provided in GRC 10.20.050(2)(a)-(e).

(Ord. No. 1587, Amended, 04/20/2004)

10.20.040 Fees For Excessive False Alarms.

(1) Fees for excessive false alarms will be assessed by the coordinator for excessive false alarms during a permit year. Fees for excessive false alarms shall be set by council resolution.

(2) The coordinator shall notify the alarm user and the alarm business by regular mail of a false alarm, fees for excessive false alarms and the consequences of the failure to pay the fees. The coordinator shall also inform the alarm user of the right to appeal the validity of the false

alarm to the sheriff, as provided in GRC 10.20.090. If the fee has not been received in the coordinator's office within 30 days from the day the notice of fee was mailed by the coordinator and there is no appeal pending on the validity of the false alarm, the coordinator shall send the notice of fee(s) to be paid by certified mail along with a notice of late fee. If payment is not received within ten days of the day the notice of late fee was mailed, the coordinator shall initiate the no response process and may initiate the enforcement of penalties.

(Ord. No. 1587, Amended, 04/20/2004)

10.20.050 No Response to Excessive Alarms.

(1) After the second false alarm, the coordinator shall send a notification to the alarm user by mail, which will contain the following:

(a) that the second false alarm has occurred;

(b) that if two more false alarms occur within the permit year the police will not respond to any subsequent alarms without the approval of the sheriff or the police chief;

(c) that the approval of the sheriff or police chief can only be obtained by applying in writing for reinstatement. The sheriff or police chief may reinstate the alarm user upon a finding that reasonable effort has been made to correct the false alarms;

(d) that the alarm user has the right to contest the validity of a false alarm determination through a False Alarm Validity Hearing. The request for a hearing must be in writing and within ten days of receipt of the notice from the coordinator. (See GRC 10.20.090(1).)

(2) After the fourth false alarm within the permit year, there shall be no police response to subsequent alarms without approval of the sheriff or the police chief. The coordinator shall send a notification of the police response suspension to:

(a) The Director of the Bureau of Emergency Communications;

(b) The sheriff, if the alarm occurred in an unincorporated area; or

(c) The police chief;

(d) The alarm user by certified mail; and

(e) The persons listed on the alarm user's permit who are to be contacted in case of an emergency, by certified mail.

(3) The suspension of police response to an alarm shall begin ten days after the date of delivery of the notice of suspension of service to the alarm user unless a written request for a False Alarm Validity Hearing has been made in the required time period as listed in GRC 10.20.090.

10.20.060 Special Permits.

An alarm user required by federal, state, county or municipal law, regulation, rule, or ordinance to install, maintain and operate an alarm system shall be subject to these alarm systems regulations, provided:

(1) A permit shall be designated a special alarm user's permit.

(2) A special alarm user's permit for a system that has four false alarms in a permit year shall not be subject to the no response procedure and shall pay the regular fees.

(Ord. No. 1587, Amended, 04/20/2004; Ord. No. 1304, Amended, 03/17/1994)

10.20.070 User Instructions.

(1) Every alarm business selling, leasing, or furnishing to any user an alarm system installed on premises located in the area subject to GRC 10.20.010-10.20.130, shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time. The alarm business shall also inform each alarm user of the requirement to obtain a permit and where it can be obtained.

(2) Standard form instructions shall be submitted by every alarm business to the sheriff. If the sheriff finds the instructions are incomplete, unclear, or inadequate, the sheriff may require the alarm business to revise the instructions to comply with GRC 10.20.070(1) and then to distribute the revised instructions to its alarm users.

10.20.080 Automatic Dialing Device: Certain Interconnections Prohibited.

(1) No person may program an automatic dialing device to select a primary trunk line and no alarm user may fail to disconnect or reprogram an automatic dialing device that is programmed to select a primary trunk line within 12 hours of receipt of written notice from the coordinator that it is so programmed.

(2) No person may program an automatic dialing device to select any telephone line assigned to the county and no alarm user may fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

10.20.090 Hearing.

(1) An alarm user may appeal the validity of a false alarm determination by the coordinator to the sheriff. The appeal shall be in writing and shall be requested within 10 days of the alarm user having received notice of the alarm from the coordinator. Failure to contest the coordinator's determination in the required time period results in a conclusive presumption for all purposes that the alarm was false.

(2) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the sheriff by certified mail at least 10 days prior to the date set for the hearing, which shall not be more than 21 nor less than 10 days after the filing of the request for hearing.

(3) The hearing shall be before the sheriff. The coordinator and the alarm user shall have the

right to present written and oral evidence, subject to the right of cross-examination. If the sheriff determines that the false alarms alleged have occurred in a permit year, the sheriff may issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record. If false alarm designations are entered on the alarm user's record, the coordinator shall pursue fee collection of unpaid fees as set out in GRC 10.20.040(2).

(4) The sheriff may appoint another person to be a hearings officer to hear the appeals and to render judgment.

(Ord. No. 1587, Amended, 04/20/2004)

10.20.100 Sound Emission Cutoff Feature.

(1) Alarm systems that emit audible sound that can be heard outside the building, structure or facility of the alarm user, shall be equipped with a sound emission cutoff feature which will stop the emission of sound 15 minutes or less after the alarm is activated.

(2) When an alarm system can be heard outside a building, structure, or facility for more than 15 minutes continuously or intermittently, and the alarm user or alarm business is not available or able to silence the device, the police chief or sheriff may physically disconnect the sounding device.

(3) The police chief or sheriff shall not be liable for costs associated with reconnecting the alarm system. The alarm owner shall be liable for the cost of reconnecting the system.

(Ord. No. 1304, Amended, 03/17/1994)

10.20.110 Confidentiality; Statistics.

(1) All information submitted in compliance with GRC 10.20.010-10.20.130 shall be held in confidence and shall be deemed a public record exempt from disclosure pursuant to ORS 192.502(3). Any violation of confidentiality shall be deemed a violation of GRC 10.20.010-10.20.130. The coordinator has responsibility for the maintenance of all records under GRC 10.20.010-10.20.130.

(2) Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics to assist alarm system evaluation for use by members of the public.

10.20.120 Allocation of Revenues and Expenses.

(1) The alarm permit fee collected under GRC 10.20.030 shall be allocated to Multnomah County for the administration of the alarm ordinance and to the city for cost recovery of police response and to offset costs for alarm prevention education activities provided by the city.

(2) All fees and forfeitures of security deposits collected pursuant to GRC Article 10.20, and administered by Multnomah County officers or employees, will be revenue of Multnomah County; provided, however, that Multnomah County shall maintain records sufficient to identify the sources and amounts of that revenue.

(3) Multnomah County shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering GRC Article 10.20 by Multnomah County officers or employees, including salaries and wages (excluding the sheriff individually), travel, office supplies, postage, printing, facilities, office equipment and other properly chargeable costs.

(4) Not later than July 31 of each year, Multnomah County shall render an account to the city for administering GRC Article 10.20. The account shall establish the net excess revenue or cost deficit for the preceding fiscal year and shall allocate that excess revenue, if any, or deficit, if any, to the county and the city proportionately as the number of permits issued for alarm systems within the corporate limits of the city bears to the whole number of permits issued in Multnomah County; provided, that no allocation shall be made if the net excess revenue or deficit is less than \$2,500.00.

(5) Distribution by the county of any excess revenue or payment of allocated deficit amounts

by the city shall be made not later than September 1 of each fiscal year.

(6) "Sound accounting principles" as used in this section, shall include, but not be limited to, practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of GRC Article 10.20.

(Ord. No. 1587, Amended, 04/20/2004; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1304, Amended, 03/17/1994)

10.20.130 Interpretation.

GRC 10.20.010-10.20.130 shall be liberally construed to effect the purpose of these sections and to achieve uniform interpretation and application of these sections, the Multnomah County Alarm Ordinance and ordinances of other municipal corporations within Multnomah County with the same purpose.

10.20.140 Enforcement.

(1) Enforcement of GRC 10.20.010-10.20.130 may be by civil action as provided in ORS 30.315, or by criminal prosecution, as provided in ORS 203.810 for offenses under county law.

(2) The failure or omission to comply with any part of GRC 10.20.010-10.20.130 shall be deemed a violation and may be so prosecuted, subject to the penalty provided in GRC 10.80.010.

(Ord. No. 1370, Amended, 08/15/1995)

Article 10.25

FIRE AND LIFE SAFETY CODE

Sections:

- 10.25.010** Adoption of Fire Code and Fire and Life Safety Regulations.
- 10.25.020** Definitions.
- 10.25.030** Establishment and Duties of Life Safety Division.
- 10.25.040** Repealed.
- 10.25.050** Repealed.
- 10.25.060** Repealed.
- 10.25.070** Amendments to the Oregon Fire Code.
- 10.25.075** Repealed.
- 10.25.080** Appeals.
- 10.25.090** Fire Safety Inspection Program.

10.25.010 Adoption of Fire Code and Fire and Life Safety Regulations.

(1) For the purpose of prescribing minimum regulations governing conditions hazardous to life and property from fire, panic, or explosion, the city adopts the fire code known as the Oregon Fire Code, 2007 Edition, and the whole thereof, including Oregon adopted appendices, except as otherwise amended in GRC 10.25.070 and incorporated herein.

(2) This code section, including the codes hereby adopted, shall be filed and maintained in the records of Gresham Fire and Emergency Services (FES) and in the State Fire Marshal's Office. GRC Article 10.25 shall be known as the Fire and Life Safety Code of the City of Gresham (hereafter known as "Fire Code").

(3) In addition to any fines, penalties, remedies or other enforcement powers authorized by the Oregon Fire Code, any violation of the Oregon Fire Code shall also constitute a public nuisance, and a Class B violation, under GRC Article 7.50.

(4) Whenever a reference is made to any portion of this code or any other applicable law

or ordinance, the reference applies to all amendments and additions now or hereafter adopted by the State of Oregon and the City of Gresham.

(Ord. No. 1641, Amended, 04/05/2007; Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1585, Amended, 03/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1504, Amended, 07/11/2000; Ord. No. 1409, Amended, 01/02/1997; Ord. No. 1267, Amended, 12/17/1992)

10.25.020 Definitions.

For purposes of this article, the following mean:

Business. Any activity, trade, occupation, profession, or pursuit conducted for the purpose of generating revenue, whether for profit or non-profit, regardless of occupancy type assigned by code language.

Jurisdiction. Wherever the Oregon Fire Code uses the term jurisdiction, the city of Gresham.

Fire Code Official. Wherever the Oregon Fire Code uses the term Fire Code Official, the City of Gresham Fire Chief or Fire Marshal.

Illegal Occupancy. Any business occupying a building or on a premises without a city business license, or the changing of an occupancy without proper building and planning department permits or certificate of occupancy.

Occupancy. The lawfully permitted purpose for which a building or part thereof is used or intended to be used.

(Ord. No. 1641, Amended, 04/05/2007; Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1504, Amended, 07/11/2000; Ord. No. 1409, Amended, 01/02/1997)

10.25.030 Establishment and Duties of Life Safety Division.

The 2007 Oregon Fire Code shall be enforced by the Life Safety Division of the Gresham Fire and Emergency Services, which shall be operated under the supervision of the Fire Marshal under the direction of the Fire Chief.

(Ord. No. 1641, Amended, 04/05/2007; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1504, Amended, 07/11/2000; Ord. No. 1409, Amended, 01/02/1997; Ord. No. 1267, Amended, 12/17/1992)

10.25.040 Repealed..

(Ord. No. 1641, Repealed, 04/05/2007; Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1409, Amended, 01/02/1997)

10.25.050 Repealed.

(Ord. No. 1641, Repealed, 04/05/2007; Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1504, Amended, 07/11/2000; Ord. No. 1409, Amended, 01/02/1997; Ord. No. 1267, Amended, 12/17/1992)

10.25.060 Repealed

(Ord. No. 1560, Repealed, 12/03/2002)

10.25.070 Amendments to the Oregon Fire Code.

The 2007 Oregon Fire Code is amended and changed as follows:

1. Section 104.2 is amended to add:

104.2.1. The jurisdiction shall set by resolution fees for special use permits.

2 Section 106.2 is amended to add:

- 106.2.1. The jurisdiction shall set by resolution fees for the following:
- a. Initial business fire inspections.
 - b. Reinspections.
 - c. Failure to abate hazards.
 - d. False alarms.

3. Section 308.1 is amended to read:

Open-flame cooking devices.

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

1. One and two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

4. Section 308.3.1.1 is amended to read:

Liquefied-petroleum-gas-fueled cooking devices.

LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound LP-gas capacity) shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exception:

One and two family dwellings.

5. Section 505.1 is amended to read:

Address Numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch and larger when required by Gresham Fire and Emergency Services Standard Operating Guideline 3.1.5.

6. Section 804.1 is amended to read:

Restricted occupancies.

Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4 and SR occupancies.

Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2 shall not be prohibited.
2. Within dwelling units of R-2 occupancies.

7. Section 3401.4 is amended to read:

Permits.

Permits for the installation of all flammable or combustible liquid tanks and/or storage of all flammable or combustible liquids within or outside of buildings are required within all areas of the city.

8. Section 3401.4.1 is amended to read:

Plans.

Construction documents shall be submitted with each permit application for flammable or combustible liquid tanks and/or the storage of same.

9. Section 3801.2 is amended to read:

Permits.

Permits for the installation of all liquefied petroleum gas (LPG) tanks and/or storage of all LPG are required within all areas of the city. Distributors shall not fill a gas container for which a permit is required unless a permit for installation has been issued for that location by the fire code official.

10. Section 3801.3 is amended to read:

Plans.

Plans shall be submitted with each permit application for liquefied petroleum gas (LPG) tanks and/or storage of the same.

(Ord. No. 1641, Amended, 04/05/2007; Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1521, Amended, 05/15/2001; Ord. No. 1504, Amended, 07/11/2000; Ord. No. 1481, Amended, 09/21/1999; Ord. No. 1409, Amended, 01/02/1997; Ord. No. 1330, Amended, 11/03/1994; Ord. No. 1282, Amended, 05/20/1993; Ord. No. 1267, Amended, 12/17/1992)

10.25.075 Repealed.

(Ord. No. 1594, Repealed, 10/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1504, Amended, 07/11/2000; Ord. No. 1409, Amended, 01/02/1997)

10.25.080 Appeals.

The Appeals Board specified in section 108.1. of the Fire Code shall consist of the Building Code Board of Appeals for the city, with the addition of a fire protection professional designated by the Code Official.

(Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1409, Amended, 01/02/1997)

10.25.090 Fire Safety Inspection Program.

(1) Purpose and Scope. The purpose of this section is to set forth the requirements of a Fire Safety Inspection Program within the City of Gresham for violations of the Oregon Fire Code (OFC). The provisions of this section shall apply to each business location of every business within the City of Gresham.

(2) Hazard Level Designations. A hazard level designation for each individual business will be determined by the Fire Marshal based on occupancy classification and existing hazards. The Fire Marshal will utilize the hazard ratings issued for occupancy designations by the National Fire Protection Association (NFPA), 13, "Installation of Sprinkler Systems," and as designated by OFC Chapter 2. In cases of multiple occupancy classifications, hazard level placement will normally correspond to the occupancy classification with the highest rated hazard level.

(3) Fire Safety Inspections. Each business location of every business located within the City of Gresham is subject to a fire safety inspection by Gresham FES each calendar year. An inspection fee will be assessed when the inspection is conducted. Inspection fees shall be established by council resolution and correspond to the hazard level designation for each business location as determined by the Fire Marshal.

(4) Fire Safety Re-inspections. When violations of the OFC are found in the course of an annual inspection, Gresham FES shall conduct a re-inspection, after allowing the appropriate time for voluntary abatement of the violation. Fees for reinspection shall be established by council resolution.

(5) Failure to Abate OFC Violations. Failure to abate OFC violations shall constitute a public nuisance, and subject the violator to the nuisance abatement remedies established in GRC Article 7.50, including the imposition of an administrative enforcement fee for each month the violation continues. The administrative enforcement fee for inspection violations shall be established by council resolution. In addition to the imposition of an administrative enforcement fee, the manager may enforce abatement proceedings or civil action as provided in GRC Article 7.50, or as otherwise authorized by law, including any enforcement remedies, orders, or powers under the OFC.

(6) Business License Inspections. Any person or business entity that applies for a license to conduct business in a physical location within the City of Gresham must obtain a Building License Inspection by Gresham FES, and pay a fee for that inspection, as established by council resolution. Any person or business entity that applies for a renewal of any license to conduct business in a physical location within the City of Gresham may be subject to a Building License Inspection by Gresham FES, and pay a fee for that inspection, as established by council resolution, if a history of OFC code violations have been found within said business location and a general fire safety inspection has not been completed there within the previous 12 months.

(7) Liens. Any fees, including administrative enforcement fees, fire safety inspection and reinspection fees, and business license inspection fees, shall, if not paid within 30 days of imposition, constitute a valid lien against the property in favor of the City of Gresham, and shall remain a lien against the property until fully paid. The city shall file notices of such liens with the Multnomah County Clerk Recorder's Office. The city shall collect an administrative fee as set by council resolution for the release of any lien issued by the city.

(Ord. No. 1641, Amended, 04/05/2007; Ord. No. 1594, Amended, 10/01/2004; Ord. No. 1560, Amended, 12/03/2002; Ord. No. 1521, Enacted, 05/15/2001)

Article 10.26

FIRE ALARM SYSTEMS

Sections:

- 10.26.010** [Purpose and Scope.](#)
- 10.26.020** [Definitions.](#)
- 10.26.025** [Violation.](#)
- 10.26.030** [Fines for Excessive False Alarms.](#)
- 10.26.040** [Hearing.](#)
- 10.26.050** [Enforcement.](#)

10.26.010 Purpose and Scope.

(1) The purpose of this article is to encourage fire alarm users and fire alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary fire department emergency responses to false alarms and thereby protect the emergency response capability of the city from misuse.

(2) This article governs fire alarm systems, provides for penalties and fines for excessive false alarms, and establishes a system of administration. Fire alarm system installation and maintenance are governed by applicable provisions of GRC Article 10.25. Fire Prevention Code.

(Ord. No. 1381, Amended, 07/01/1995; Ord. No. 1330, Enacted, 11/03/1994)

10.26.020 Definitions.

For purposes of this article, the following mean:

Alarm Business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any fire alarm system in or on any building, structure or facility.

Alarm User. The person, firm, partnership, association, corporation, company, or

organization of any kind that owns, controls, or occupies any building, structure or facility in which a fire alarm system is maintained.

Coordinator. The individual designated by the Fire Chief to enforce the provisions of this article.

False Alarm. An alarm signal, eliciting a response by the fire department when a situation requiring a response by the fire department does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

Fire Alarm System. Any assembly of equipment, mechanical or electrical, arranged to signal the presence of products of combustion or the flow of an extinguishing agent through an automatic fire extinguishing system or a device manually activated by a person to signal the presence of fire requiring urgent attention and to which the fire department is expected to respond.

Fire Chief. The Chief of the Fire Department of the city, or designee.

(Ord. No. 1330, Enacted, 11/03/1994)

10.26.025 Violation.

(1) No alarm user may cause or permit activation of a fire alarm when a situation requiring a response by the fire department does not in fact exist.

(2) Three or more false alarms occurring within one year prior to the date of the false alarm occurrence is a Class A violation.

(Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1381, Amended, 02/01/1996)

10.26.030 Fines For Excessive False Alarms.

(1) After the second false alarm, fines will be assessed by the coordinator for excessive false alarms occurring within one year prior to the date of the false alarm occurrence. The amount of the fine for excessive false alarms shall be set by council resolution.

(2) The coordinator shall notify the alarm user and the alarm business by regular mail of a false alarm and the fine and the consequences of the failure to pay the fine. The coordinator shall also inform the alarm user of the right to appeal the validity of the false alarm to the Fire Chief, as provided in GRC 10.26.040. If the fine has not been received in the coordinator's office within 30 days from the day the notice of fine was mailed by the coordinator and there is no appeal pending on the validity of the false alarm, the coordinator shall send the notice of fine by certified mail along with a notice of late fee of \$25.00.

(Ord. No. 1330, Enacted, 11/03/1994)

10.26.040 Hearing.

(1) An alarm user may appeal the validity of a false alarm determination by the coordinator to the Fire Chief. The appeal shall be in writing and shall be requested within 10 days of the alarm user having received notice of the false alarm and fine from the coordinator. Failure to contest the coordinator's determination in the required time period results in a conclusive presumption for all purposes that the alarm was false. The Fire Chief shall review the record and affirm, modify or reverse the coordinator's decision

(2) The Fire Chief's decision may be appealed to a hearings officer pursuant to GRC 1.05.025. Written notice of the time and place of the hearing shall be served on the user by the Fire Chief by certified mail at least 10 days prior to the date set for the hearing, which shall not be more than 21 nor less than 10 days after the filing of the request for hearing.

(3) The hearing shall be before a hearings officer appointed by the city attorney. The coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. The hearings officer shall determine if two or more false alarms have occurred in the year prior to the date of the false alarm in question.

(4) The Fire Chief and hearings officer shall issue written findings waiving, expunging or entering a false alarm designation on an alarm

user's record. The hearings officer decision is final. If false alarm designations are entered on the alarm user's record, the coordinator shall pursue fine collection as set by council resolution.

(Ord. No. 1590, Amended, 09/16/2004; Ord. No. 1330, Enacted, 11/03/1994)

10.26.050 Enforcement.

Enforcement of this GRC Article 10.26 may be by civil action as provided in ORS 30.315 for the fines set forth in GRC 10.26.030; or the coordinator may issue a citation to the violator. A person convicted of a violation of this article shall be fined in accordance with the penalty provisions of GRC Article 10.80 and GRC 7.50.320.

(Ord. No. 1561, Amended, 12/03/2002; Ord. No. 1381, Enacted, 02/01/1996)

Article 10.27

**PERMIT-REQUIRED CONFINED
SPACE RESCUE**

Sections:

10.27.010 [Permit-Required Confined Space
Rescue.](#)

10.27.020 [Subscriber Fee.](#)

10.27.030 [Non-subscriber Fee.](#)

**10.27.010 Permit-Required Confined Space
Rescue**

The Gresham Fire Department may develop a program to provide rescue services within its response area for permit-required confined spaces as set forth in OAR Chapter 437.

(Ord. No. 1377, Enacted, 11/16/1995)

10.27.020 Subscriber Fee.

Employers having permit-required confined spaces within the fire department's response area may subscribe to the confined space rescue service by paying a subscriber fee, as established by council resolution. The subscriber fee shall be based on the number of permit-required confined spaces.

(Ord. No. 1377, Enacted, 11/16/1995)

10.27.030 Non-subscriber Fee.

If permit-required confined space rescue services are provided by the city to an employer that has not subscribed to this service, the city shall charge the employer a non-subscriber fee as established by council resolution.

(Ord. No. 1377, Enacted, 11/16/1995)

Article 10.30

PROPERTY MAINTENANCE CODE

Sections:

- 10.30.010 [Short Title.](#)
- 10.30.020 [Purpose.](#)
- 10.30.030 [Scope and Application.](#)
- 10.30.033 [Exterior Conditions and Derelict Structures.](#)
- 10.30.035 [Adoption of International Property Maintenance Code.](#)
- 10.30.040 Repealed.
- 10.30.050 [Definitions.](#)
- 10.30.060 [Responsibility.](#)
- 10.30.070 [Modifications.](#)
- 10.30.080 Repealed.
- 10.30.090 Repealed.
- 10.30.100 Repealed.
- 10.30.110 Repealed.
- 10.30.120 Repealed.
- 10.30.130 Repealed.
- 10.30.140 [Emergency Repair.](#)
- 10.30.150 Repealed.
- 10.30.160 Repealed.
- 10.30.170 [Weather Proofing and Screens.](#)
- 10.30.180 Repealed.
- 10.30.190 Repealed.
- 10.30.200 [Derelict Structures Prohibited.](#)
- 10.30.210 [Closing and Securing Derelict Structures.](#)
- 10.30.220 [Derelict Structure Registration.](#)
- 10.30.230 [Residential Rental Property and Derelict Structure Complaint Process.](#)
- 10.30.240 Repealed.
- 10.30.250 Repealed.
- 10.30.260 [Legal Owner Failure to Respond to Notice of Violation.](#)
- 10.30.270 [Temporary Waivers of Enforcement Action.](#)
- 10.30.280 [Hardship Waivers of Enforcement Action.](#)
- 10.30.290 [Violations and Other Remedies.](#)
- 10.30.300 [Administrative Enforcement Fees.](#)
- 10.30.310 [Receivership Authority.](#)
- 10.30.320 [Lien.](#)
- 10.30.330 [Severability.](#)
- 10.30.340 [Application of Other Codes.](#)

- 10.30.350 [Saving Clause.](#)
- 10.30.360 [Coordination of Enforcement.](#)

10.30.010 Short Title.

This article shall be known and may be cited as the Property Maintenance Code of Gresham, hereinafter referred to as the “PMC.”
(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.020 Purpose.

The council finds and declares that conditions that promote blight and deterioration or that create a hazard to the public health and safety, are injurious to the health, safety and general welfare of the public, and that the provisions of the PMC are necessary to protect the public health, safety and general welfare.
(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.030 Scope and Application.

The purpose of this article is to:

(1) Establishes the property maintenance requirements applicable to all residential rental property as defined in GRC Article 9.55.

(2) Establish property maintenance requirements applicable to derelict structures as defined in GRC 10.30.050.

(3) Establish property maintenance requirements applicable to exterior conditions of all properties in the city.
(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Amended, 10/02/2001)

10.30.033 Exterior Conditions and Derelict Structures.

(1) The following provisions relating to exterior conditions and derelict structures apply to all property in the city:

(a) Administrative provisions of the PMC are as follows: GRC 10.30.020; GRC 10.30.050; GRC 10.30.060; GRC

10.30.070; GRC 10.30.170; GRC 10.30.230; GRC 10.30.240; GRC 10.30.260; GRC 10.30.270; GRC 10.30.280; GRC 10.30.290; GRC 10.30.300; GRC 10.30.310; GRC 10.30.320; GRC 10.30.330; GRC 10.30.340; GRC 10.30.350; and GRC 10.30.360.

(b) Emergency repair provision of GRC 10.30.140.

(c) Weatherproofing and Screens provision of GRC 10.30.170.

(d) Derelict Structures Provisions of GRC 10.30.200; GRC 10.30.210; and GRC 10.30.220.

(e) Exterior surfaces provision of the International Property Maintenance Code, 2006 Edition, prepared by the International Code Council, as hereinafter amended or revised (“ICCPMC”), section 304.

(f) Foundation walls provision of the ICCPMC, section 304.5.

(g) Exterior walls provision of the ICCPMC, section 304.6.

(h) Roofs and drainage provision of the ICCPMC, section 304.7.

(i) Decorative features provision of the ICCPMC, section 304.8.

(j) Windows and doors provision of the ICCPMC, section 304.13.

(k) Glazing provision of the ICCPMC, section 304.13.1

(l) Accessory structures provision of the ICCPMC, section 302.7.

(Ord. No. 1669, Renumbered and Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Amended, 10/02/2001)

10.30.035 Adoption of International Property Maintenance Code.

(1) The International Property Maintenance Code, 2006 Edition, prepared by the

International Code Council, as thereafter amended or revised (“ICCPMC”), except as repealed or amended below, is hereby adopted as part of the PMC.

(2) The following sections of the ICCPMC are repealed:

(a) Section 102.6 of the ICCPMC.

(b) Sections 103.1, 103.2 and 103.3 of the ICCPMC.

(c) Section 106 of the ICCPMC.

(d) Section 108.2 of the ICCPMC. The Derelict Structures provisions of GRC 10.30.200, GRC 10.30.210, GRC 10.30.220, and GRC 10.30.230 are adopted in its place.

(e) Section 111 of the ICCPMC.

(f) Section 304.14 of the ICCPMC.

(3) The following sections of the ICCPMC are amended to read as follows:

101.1 Title. These Regulations shall be known as the Property Maintenance Code of Gresham, hereinafter referred to the “PMC.”

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy and all other work required under the PMC shall be done in accordance with the procedures and provisions of the codes and provisions adopted in GRC Articles 10.05, 10.15, 10.20, 10.25, 10.26 and 10.60.

103.4 Liability. The provisions and protections of the Oregon Tort Claims Act, ORS 30.265 et. seq. shall apply to all city officials, agents and employees charged with the enforcement of the PMC. The PMC shall not be construed to relieve from or lessen the responsibility of any non-city agent or employee, including but not limited to

any owner, owner's agent, builder, contractor, agent or employee of any builder or contractor, or any person owning, operating or controlling any building, structure or premises, for any damages to persons or property caused by defects or violations of this code, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

103.5 Fees. Fees charged under the PMC shall be adopted by council resolution.

201.3 Terms Defined in Other Codes. Where terms are not defined in the PMC and are defined in the codes and provisions adopted in GRC Articles 10.05, 10.15, 10.20, 10.25, 10.26 and 10.60, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 Weeds. All premises and exterior property shall be maintained free from invasive or noxious weeds in accordance with GRC 7.15.020, GRC 7.15.040 and GRC Article 10.25 and any action taken thereunder.

302.8 Motor Vehicles. Except as provided in other provisions of the GRC, no vehicle shall be kept on residential premises in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, except and unless it is covered by a manufactured vehicle cover designed specifically for that purpose, enclosed within a permitted structure, or behind a fence.

302.9 Defacement of Property. The owner or occupant of property, or person in charge of property, shall comply with the requirements of GRC Article 7.80.

304.3 Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way as required by the Oregon Fire Code. This section shall apply if, due to deterioration or loss, the numbers must be otherwise repaired, placed or replaced.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

304.13.3 Window Sill Height. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

Exception: Window sill heights constructed in accordance with code requirements in place at the time of construction.

304.13.4 Minimum Dimensions. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall have a minimum net clear opening at least 20 inches wide, at least 22 inches high, and, if constructed after July 1, 1974, at least five square feet in area.

Exception: Window dimensions constructed in accordance with code requirements in place at the time of construction.

304.13.5 Ability to Open. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

305.3.1 Interior Dampness. Every residential rental unit, including basements, and crawl spaces, shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

307 Rubbish and Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Approved containers for rubbish and garbage shall be provided.

401.3 Alternative devices. In lieu of the means for natural light and ventilation prescribed in sections 402 and 403 of this code, artificial light or mechanical ventilation complying with GRC Article 10.05 shall be permitted.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Exception: Range hoods constructed in accordance with code requirements in place at the time of construction.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks,

lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the provisions of GRC 10.05.070.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a year-round room temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable heating devices may not be used to meet the dwelling heat requirements of this code. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms.

602.4 Occupiable Work Spaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a year-round temperature of not less than 68°F (20°C) during the period the spaces are occupied.

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Mechanical ventilation systems for range hoods and bathrooms shall be maintained in sound working order meeting manufacturer specifications for operation and function.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with GRC 10.05.080. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with GRC Article 10.25.

702.2 Aisles. The required width of aisles in accordance with GRC Article 10.25 shall be unobstructed.

702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by GRC Article 10.05.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or

any combination thereof shall be maintained in an operable condition at all times in accordance with GRC Article 10.25.

704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or a dwelling unit with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with GRC Article 10.25.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Enacted, 12/18/2007)

10.30.040 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.050 Definitions.

In addition to the definitions set forth in the ICCPMC the following definitions shall apply to the PMC:

Where terms are not defined in the PMC or other code section and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those state codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words “premises,” “building” or other similar words are stated in the PMC, they shall be construed as though they were followed by the words “or any part thereof.” Unless otherwise expressly stated, the following terms shall, for the purposes of the PMC, have the following meanings:

Attractive nuisance. A condition that can attract children and be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned buildings, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, poison oak or poison sumac that may prove hazardous for inquisitive minors.

Boarded building. An unoccupied or derelict building that has been secured against entry by material such as plywood, boards or other similar material placed over openings that are designed for and/or are required for windows and doors, and which is visible off the premises and is not both lawful and customary to install on an occupied structure.

Building. Any structure occupied or intended for any occupancy.

Building code. GRC Article 10.05.

Building official. The building official of the City of Gresham Development Services Department or the building official’s designee.

Deterioration. A lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any

other evidence of physical decay, neglect, excessive use, or lack of maintenance.

Derelict Structure. Any structure left unoccupied and unsecured, partially constructed, abandoned, maintained in a condition that is unfit for human habitation, or maintained in a condition that is an imminent threat to public health and safety.

Manager. The city manager or the manager’s designee.

Owner, Property Owner, or Legal Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property, including the owner as shown on the latest assessment records in the County Tax Assessor’s office, a contract vendee, or a receiver or trustee in bankruptcy.

Partially constructed. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months or after the expiration of any building permit, or that has not had a required permit inspection within any six month period.

Unoccupied. Vacant or not being used for a lawful occupancy.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.060 Responsibility.

(1) Unless otherwise provided for, the manager shall be responsible for the ultimate enforcement of all of the provisions of the PMC. The manager may appoint such enforcement officers, technical assistants, inspectors and other employees as may be necessary for the administration of the PMC. For the purpose of the PMC, any person so appointed will be deemed a “code official” as defined in the ICCPMC. The manager is authorized to designate an employee who shall exercise all the powers of the manager during the temporary absence or disability of the manager.

(2) Where work is required to be done to correct violations under the PMC any and all permits required for such work by the Building Code shall be obtained. All final inspections

shall be approved for the associated permits prior to the violations being considered resolved.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.070 Modifications.

In the event of extreme hardships involved in carrying out provisions of the PMC relating to external conditions and derelict structures, the manager shall have the right to vary or modify the provisions of the PMC upon application of an owner, provided that the spirit and intent of the law is observed and that the public health and safety is assured.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.080 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.090 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.100 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.110 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.120 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.130 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.140 Emergency Repair.

The use of tarps or similar material for the purpose of an emergency repair, or temporarily in place of a customary building component

such as a roof, siding or a door, shall not exceed 90 days in any consecutive 12 month period; provided, however, that this subsection is subject to, and does not supersede, the requirements of the Building Code and Fire Code. The use of tarps or similar material in place of a customary building component is not permitted under the Building Code.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.150 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.160 Repealed.

(Ord. No. 1649, Repealed 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.170 Weather Proofing and Screens.

Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a workmanlike manner. Window and door screens, while not required by the PMC, shall be maintained in a sound working condition.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.180 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.190 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.200 Derelict Structures Prohibited.

No structure shall be left unoccupied and unsecured, partially constructed, abandoned, maintained in a condition that is unfit for human habitation, or maintained in a condition that is an imminent danger.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.210 Closing and Securing of Derelict Structures.

(1) The manager may order appropriate measures to render a derelict structure secure from entry. The securing of the structure shall be by methods calculated to render entry very difficult, including, but not limited to, the use of lag bolts in the boarding of entry points, instead of nailing.

(2) In order to perform the function or duty authorized or required under this section, city representatives and their agents shall have the right at reasonable times to enter upon the property and render a derelict structure secure from entry. If consent to inspect or secure the property is refused, abatement and/or inspection warrants under GRC 7.50.222 and GRC 7.50.520 shall be utilized.

(3) The costs incurred by the city in boarding or securing a derelict structure may be assessed to the property owner and collected as costs of abatement under GRC 7.50.240 and GRC 7.50.260.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.220 Derelict Structure Registration.

The owner of a derelict structure shall register the structure with the manager within ten (10) calendar days of the manager's written direction to register. Registration under the terms of the PMC shall be completed on forms to be provided by the manager, and shall include information relating to the location and ownership of the structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, a plan for its re-occupancy and use, or its demolition, and a provision whereby the owner of the structure shall indemnify, defend and hold the city harmless from any and all claims asserted against the city by third parties stemming from injuries to persons or to property as a result of the condition or accessibility of the structure. Any change in the information provided pursuant to this subsection shall be given to the manager within thirty (30) calendar days of the change. The manager shall maintain

a list of derelict structures. When the owner believes the structure is no longer derelict the owner shall contact the manager and request an inspection to determine that the structure is no longer derelict.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.230 Residential Rental Property and Derelict Structure Complaint Process.

(1) Complaints of a derelict structure or for violations of the PMC are to be directed to the manager. The manager shall take the necessary steps to determine the existence of any violations, including any not listed in the original complaint; take steps to require property owners to remedy conditions and defects found to violate the PMC; initiate suspension or revocation of a residential rental property license or other remedies under GRC Article 9.55 if applicable; initiate enforcement procedures under GRC Article 7.50; or take other such action as may be appropriate to ensure compliance with the PMC.

(2) When the complaint relates to a derelict structure or exterior property conditions only, the manager may direct a copy of the complaint to the relevant neighborhood association or the Neighborhood Coalition. The affected neighborhood association or the Neighborhood Coalition may provide information and evidence to the manager concerning the complaint. Neither the neighborhood association nor the Neighborhood Coalition has any authority to enforce any aspect of the PMC.

(3) The manager may initiate an inspection of residential rental property, a specific residential rental unit, if necessary, or a derelict structure, to determine the validity of the complaint. Any such inspection may be in addition to residential rental property inspections contemplated under GRC Article 9.55.

(4) If the property owner, designated agent, or tenant refuses to allow an inspection of the premises or residential rental unit that is the subject of the complaint, the city may obtain an administrative inspection warrant as provided for in GRC 7.50.510 and GRC 7.50.520.

(5) For residential rental units, following each inspection, the inspector will complete an inspection checklist for each residential rental unit inspected and provide a copy of the completed form to the owner or designated agent and the residential rental unit tenant. The occupier will receive a copy of the notice of inspection checklist.

(6) If the manager determines that the complaint is verified, or the residential rental unit subject to the complaint failed to meet the standards set forth in the PMC, GRC Article 10.30, the manager will initiate enforcement as provided in GRC Article 7.50 or GRC 10.30.210 as applicable.

(7) In the event any life threatening health and/or safety condition or defect is found to exist, the condition or defect may be summarily abated as provided in GRC Article 7.50.

(a) In addition to summary abatement, the residential rental license may be denied, suspended or revoked, and the tenant(s) relocated with the assistance of the city and/or emergency housing service providers.

(b) Residential rental units found to be directly affected by life threatening health and/or safety condition(s) or defect(s) shall not be occupied unless and until the designated condition and/or defect has been satisfactorily corrected as determined by subsequent inspection.

(c) All costs of abatement, including all tenant relocation costs incurred by the city in this section, shall be the responsibility of the residential rental property owner and assessed as provided for in GRC Article 7.50.

(8) An existing license may be suspended, or a renewal license not issued, unless and until all conditions and/or defects concerning the licensed residential rental property subject to the complaint have been corrected.

(9) Complaints under this section shall be considered confidential by the city and shall not be subject to public disclosure under the Oregon Public Records Act, unless disclosure is required by law.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.240 Repealed.

(Ord. No. 1669, Repealed, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.250 Repealed.

(Ord. No. 1649, Repealed, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.260 Legal Owner Failure to Respond to Notice of Violation.

If the legal owner or designated agent takes no action to correct the violation within the time specified in the notice, enforcement action will be taken.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.270 Temporary Waivers of Enforcement Action.

(1) The manager may issue a temporary waiver of enforcement action, which will give a period of time that the manager determines is reasonable, but no longer than six months, to correct the violations found. The length of time given will depend on several factors, such as the extent and cost of the repairs, seriousness of the conditions, financial capacity of the owner, and the time of year. During the waiver period, the affected residential rental unit(s) may not be occupied.

(2) The manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership. The manager may, assist the owner in obtaining information regarding financial or other assistance to make the necessary repairs.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.280 Hardship Waivers of Enforcement Action.

(1) The manager may issue a hardship waiver of enforcement action only if the owner currently legally resides on the property. A hardship waiver may be issued only in those instances when the owner is found by the manager to be over sixty-five years of age, disabled, or classified as “very low income” under the US Department of Housing and Urban Development (HUD) standards. Hardship waivers shall not exceed three years. The income level of the owner will be reevaluated before the end of the three year waiver period. Application for a hardship waiver must be filed with the manager in writing. The manager may require the owner to supply all information necessary to demonstrate the owner’s eligibility for the waiver. The owner must submit a separate application for waiver for each notice of complaint and violation.

(2) The manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership or tenure of the property.

(3) The owner may reapply for new hardship waivers to become effective at the expiration of the term of any hardship waiver previously granted.

(4) The manager may assist the owner in obtaining information concerning financial or other assistance to make the necessary repairs.
(Ord. No. 1535, Enacted, 10/02/2001)

10.30.290 Violations and Other Remedies.

(1) Violation of any section of the PMC is a separate Class A violation. A violation applies to each property or residential rental unit in violation of the PMC. Each day a violation continues to exist shall constitute a separate violation for which a separate fine or penalty may be assessed.

(2) In addition to any other penalty provided by law, a person determined to be responsible for violation of any section of the PMC may be ordered by the court to correct the violation.

(3) In addition to subsections (1) and (2) of this subsection, violation of any section of this article shall also constitute a nuisance and may be abated as provided in GRC Article 7.50.

(4) The remedies available under GRC 9.55.160 shall also be available to address violations of the PMC.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.300 Repealed.

(Ord. No. 1655, Repealed, 07/15/2008; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.310 Receivership Authority.

In addition to, and not in lieu of any other provisions of the PMC, when residential property is found to violate the PMC, the violation is a threat to the public health and safety, and the legal owner has not acted in a timely manner to correct the violation(s), the manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.320 Lien.

Administrative enforcement fee(s), abatement costs, late payment charges, reinspection fees, or other fees or charges imposed under the PMC, shall constitute a valid lien against the property in favor of the City of Gresham if not paid within thirty (30) calendar days of imposition of the fees. The lien shall remain valid against the property until fully paid. The city shall file notices of such liens with the Multnomah County Recorder's office. The city may collect an administrative fee for the release of any lien issued by the city that shall be set and adjusted by council resolution.
(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.330 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of the PMC is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the PMC which shall continue in full force and effect and, to this end, the provisions of the PMC are hereby declared to be severable.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.340 Application of Other Codes.

Nothing in the PMC shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the GRC, or the requirement to obtain all necessary permits and approvals.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.350 Saving Clause

This article shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed by and be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 1535, Enacted, 10/02/2001)

10.30.360 Coordination of Enforcement.

The manager shall make reasonable effort to arrange for the coordination of enforcement efforts and any necessary inspections in an effort to minimize conflicts between the activities of affected city departments.

(Ord. No. 1535, Enacted, 10/02/2001)

Article 10.50

PROPERTY TAX EXEMPTION FOR NEW, TRANSIT SUPPORTIVE, MULTIPLE-UNIT HOUSING OR MIXED USE DEVELOPMENT

Sections:

- 10.50.015** [Purpose.](#)
- 10.50.025** [Definitions.](#)
- 10.50.035** [Eligible Projects.](#)
- 10.50.045** [Approval Criteria.](#)
- 10.50.055** [Eligible Sites.](#)
- 10.50.065** [Pre-Application Conference.](#)
- 10.50.075** [Application Procedure.](#)
- 10.50.085** [Design Elements.](#)
- 10.50.095** [Housing.](#)
- 10.50.105** [Review of Application.](#)
- 10.50.115** [Exemption Duration and Exclusions.](#)
- 10.50.125** [Termination.](#)
- 10.50.135** [Extension of Deadline.](#)
- 10.50.145** [Implementation.](#)
- 10.50.155** [Continuation of Prior Exemption.](#)

10.50.015 Purpose.

The purposes of this property tax exemption are to encourage transit supportive multiple-unit housing and mixed use projects affordable to a broad range of the general public on vacant or underutilized sites within the City core and within walking distance of light rail or fixed route transit service, and to enhance the effectiveness of the light rail or fixed route transit service. It also requires design, public benefits and a crime prevention plan that efficiently uses and reduces fiscal demands on City facilities and services.

The property tax exemption permitted by this article is intended to benefit projects that emphasize:

(1) The development of vacant or underutilized sites in light rail station areas, transit oriented areas or core areas, rather than sites where sound or rehabilitatable multiple-unit housing exists.

(2) The development of multiple-unit housing, with or without parking, in structures that may include ground level commercial space.

(3) The development of multiple-unit housing, with or without parking, on sites with existing single-story commercial structures.

(4) The development of multiple-unit housing, with or without parking, on existing surface parking lots.

(Ord. No. 1445, Enacted, 07/16/1998)

10.50.025 Definitions.

For purposes of this article the following mean:

Affordable rent. The rental rate and utilities paid by renter do not exceed 30% of the monthly gross income for a family.

Area median family income. The annual income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one bedroom apartment), three persons (for a two bedroom apartment), or four persons (for a three bedroom apartment) as determined annually by the U.S. Department of Housing and Urban Development or its successor agency.

Light rail station area. An area defined in regional or local transportation plans to be within a one-half mile radius of an existing or planned light rail station.

Market rental rate. The rent stated in the most recent McGregor Millette Report, or its successor, for "seasoned" units for Gresham/Troutdale.

Median purchase price. The sale price listed for a condominium unit or a single-family attached dwelling (whichever is proposed) in Multnomah County as established by the U.S. Department of Housing and Urban Development for the purpose of determining FHA loan qualification.

Transit oriented area. An area defined in regional or local transportation plans to be within one-quarter mile of a fixed route transit service.
(Ord. No. 1445, Enacted, 07/16/1998)

10.50.035 Eligible Projects.

To be an eligible project for the property tax exemption provided for by this article, a project must meet all of the following criteria:

(1) Be multiple-unit housing having ten or more dwelling units that include design elements benefiting the general public as described in this article and approved by the council, including newly constructed structures, stories and other additions to existing structures and structures converted in whole or part from other uses. Multiple-unit housing may be in structures which include ground level commercial uses.

(2) The project may not be designed, used or intended to be used as transient accommodations, hotels or motels.

(3) The project may or may not include structured parking.

(4) For projects which do not include ground level commercial uses, the minimum residential density shall be 35 rental or 24 for-sale dwelling units per net acre; or the minimum density for the land use district, whichever is greater. If the project encompasses different land use districts, the overall project density shall be at least 35 rental or 24 for-sale dwelling units per net acre and meet the minimum densities of each land use district.

(5) For mixed use projects containing ground level commercial uses the minimum commercial density shall be a 0.25 floor area ratio and the minimum residential density shall be 20 rental or 18 for-sale dwelling units per net acre; or the minimum density for the land use district, whichever is greater. If the project encompasses different land use districts, the overall project density shall be at least a 0.25 commercial floor area ratio and 20 rental or 18 for-sale dwelling units per net acre and meet the minimum densities of each land use district. Minimum commercial density is only required if the minimum density required for subsection (4) above is not met.

(6) The project shall meet the approval criteria of 10.50.045.

(7) The eligible project shall be constructed, added or converted after July 16, 1998, and completed on or before January 1, 2006.

(Ord. No. 1445, Renumbered, 07/16/1998; Ord. No. 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.045 Approval Criteria.

An application may be approved only if the reviewing body finds that the eligible project:

(1) Includes a Crime Prevention Plan which has been reviewed and recommended by the Police Department. The Crime Prevention Plan shall incorporate components to enhance safety and security as detailed in the Crime Prevention Plan Criteria and Standards Checklist Document. The Document shall be maintained in the Police and Community Development Departments and shall be used as the basis for and to assist in the development of the Crime Prevention Plan. The Crime Prevention Plan shall be in addition to requirements of the Standards volume of the Community Development Plan. The Crime Prevention Plan shall include project design which incorporates enhanced Crime Prevention Through Environmental Design (CPTED); a project security program which provides for enhanced security on site and on adjacent public streets and transit facilities; and a maintenance plan for continued success of the Crime Prevention Plan; and

(2) Includes one or more design elements specified in and complies with GRC 10.50.085; and

(3) Will, at the time of completion, conform with the provisions of the Gresham Community Development Plan, and other applicable ordinances. Applicable permits shall be obtained before the tax exemption takes place; and

(4) Demonstrates that property tax exemption is required to achieve economic feasibility for the residential or mixed use, taking into account the additional costs incurred by the design elements, crime prevention plan and housing facilities required in return for the exemption incentive allowed by the article; and

(5) Includes housing that complies with GRC 10.50.095; and

(6) Is physically or functionally related to a light rail line or mass transportation system and enhances the effectiveness of a light rail line or mass transportation system; and

(7) Justifies the elimination of, or provides a plan for the relocation of existing sound or rehabilitatable housing, if any; and

(8) Complies with all requirements of this article.

(Ord. No. 1445, Renumbered, 07/16/1998; Ord. No. 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.055 Eligible Sites.

Eligible sites must be within the described area shown on the attached Map A and within the following land use districts:

(1) In the Downtown Plan District except that sites in the DR-12 subdistrict are not eligible.

(2) In the Civic Neighborhood Plan District.

(3) In the Transit Development District.

(4) In the High Density Residential-60 District.

(5) In the Rockwood Town Center District

(6) In the Station Center District (including the Ruby Jct. Overlay)

The city shall periodically review the areas eligible for the exemption granted to transit supportive development in response to transportation and/or comprehensive planning and policy initiatives which indicate the need to encourage desired development in other light rail station areas or transit oriented areas as defined in this article.

(Ord. No. 1466, Amended, 01/12/1999; Ord. No. 1445, Enacted, 07/16/1998)

10.50.065 Pre-Application Conference.

(1) A mandatory pre-application conference is required prior to submission of an application.

(2) The applicant shall submit to the manager the following:

(a) Pre-application conference fee established by council resolution.

(b) Ten copies of a preliminary site plan, drawn to scale, including existing structures and the major features and dimensions of the proposed development and its location.

(c) Ten copies of a narrative statement describing the proposal. Useful information to include would be:

(i) the number, size and type of individual dwelling units;

(ii) the size of structured parking, if any;

(iii) the size and type of ground floor commercial, if any;

(iv) a preliminary pro forma showing expected rents or purchase prices of the dwelling units;

(v) a description of the design elements proposed;

(vi) its physical and functional connection to the nearest transit service;

(vii) any additional information that would demonstrate the eligibility of the project for the property tax exemption.

(3) The conference shall be held within 20 days of the request, if all of the requirements of subsection (2) above are met.

(4) The purpose of the pre-application conference is to acquaint the applicant with the provisions of this article. Prior to the meeting,

the manager shall review the information provided and contact, for the purposes of facilitating the application process, other agencies which may be affected by, or have an interest in, the proposed development.

(5) The manager shall provide the applicant a written summary of the conference within 30 working days of the conference. The summary shall include the recommendations designed to assist the applicant in the preparation of the exemption application.

(Ord. No. 1445, Enacted, 07/16/1998)

10.50.075 Application Procedure.

A person seeking an exemption under this article, shall apply to the manager not later than February 1 of the calendar year immediately prior to the first assessment year for which the exemption is requested. The application for the exemption shall be on forms prescribed by the manager and include the applicable fee and deposit established by council resolution and ten copies of the following information:

(1) The applicant's name, address and telephone number;

(2) A legal description of the property and property account number;

(3) A description of the existing use of the property, including a justification for the elimination of, or a plan for the relocation of existing sound or rehabilitatable housing located on the property;

(4) A site plan and supporting drawings, drawn to a minimum scale of one inch equals 50 feet, which shows the development plan of the entire project, streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas, location, dimension and elevation of structures, use of land and structures, and major landscaping features and design of structures;

(5) A description of the project, setting forth the grounds supporting the requested exemption and consistency with the approval criteria of 10.50.045, including the number, size, and type

of dwelling units, including bedroom mix; intended occupancy of the units; type of construction; expected rents or purchase prices of the dwelling units; and other uses of the structure if a mixed-use structure is planned or if structured parking is planned; and any additional information that would demonstrate the eligibility of the project for the property tax exemption, including its physical or functional connection to the nearest transit service;

(6) The Crime Prevention Plan recommended by the Police Department;

(7) A description including drawings of the design elements which the applicant proposes to include in the project;

(8) Information on the construction costs, sources of financing for the housing, operating cost and income analysis and other information required by the city to demonstrate the applicant's economic need for the tax exemption including copies of all financing commitments relating to the project; and

(9) Any other information required by state or local law or requested by the city.

(Ord. No. 1445, Renumbered, 07/16/1998; Ord. No. 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.085 Design Elements.

A project must include one or more of the following design elements benefiting the general public. Design elements required under the Gresham Community Development Plan regulations cannot be used to satisfy this standard:

(1) Parks and recreational facilities or publicly accessible open spaces such as a landscaped plaza or public urban plaza; or

(2) Public common office space or meeting rooms for community organizations; or

(3) On-site day care facilities available to general public; or

(4) Space for other public services; or

(5) Transit facilities and transit or pedestrian design elements such as benches, bus shelters, directional signs, or an off-site improved public walkway connecting the project to the nearest transit stop or station; or

(6) Ground floor service or commercial use which is permitted and serves project residents, neighboring residents and employees, transit riders and visitors. If in a structure separate from the multiple-unit housing the service or commercial use must be on the same site and clearly integrated with the multiple-unit housing and connected to multiple-unit housing by a pedestrian facility. The proposed use must be a transit supportive use and shall not be an auto-dependent use or drive through use. Transit supportive use, auto-dependent use and drive through use mean as defined in Section 1.0500 of Volume 4 of the Gresham Community Development Plan. Floor area of ground floor commercial uses in a separate structure than can qualify for the property tax exemption shall be no more than a floor area equal to 0.5 of the residential floor area; or

(7) Other design elements benefiting the public approved by the council.

The council shall specify the design elements benefiting the public which are to be included in the proposed project. If the applicant fails to agree to include the design elements benefiting the public as specified by the council, the application shall be denied. The council shall also find that the public benefits from the project extend beyond the period of the exemption.

(Ord. No. 1466, Amended, 01/12/1999; Ord. No. 1445, Renumbered, 07/16/1998; Ord. No. 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.095 Housing.

A purpose of this Article is to ensure the construction, addition or conversion of dwelling units at rental rates or for-sale rates which are accessible to a broad range of the general public. In addition, it is intended to stimulate developments that further the City's visions of the Downtown and Civic Neighborhood Plan Districts and Central Rockwood as mixed use,

pedestrian oriented and transit supportive districts. The City's 2020 Vision envisions these areas as mixed use residential and commercial with a high density downtown core. And it is intended to help advance Central Gresham as a Regional Center, and Rockwood as a Town Center, as identified in the Region 2040 Growth Concept. Both the Regional Center and the Town Center are intended to be the focus of compact development and a high quality transit service and multimodal street network. The recommended density of housing and employment is 60 persons per acre in the Gresham Regional Center and 40 persons per acre in the Rockwood Town Center.

In order to accomplish these purposes, the following project descriptions shall provide guiding principles for proposed projects to address:

(1) In eligible sites (GRC 10.50.055) in the Downtown Plan District and in the Rockwood Town Center and Station Center districts the following projects shall be emphasized.

(a) Mixed use projects that include ground floor service and commercial uses and residential housing that are consistent with the ground floor commercial design features of GRC 10.50.085.

(b) Home ownership projects that contain dwelling units for individual purchase. Such projects will include within the project and for the term of the exemption at least 20% of the units available at an initial purchase price which does not exceed 95% of the median purchase price for a condominium or single-family attached dwelling (row house) unit in Multnomah County. The unit must be sold to a household earning no more than 100% of the area median family income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale. In order to qualify for the tax exemption, such units must be owner-occupied during the term of exemption. Should any unit become available during the term of exemption, it

must be sold to a household earning no more than 100% of the area median family income during the year of sale in order to retain its property tax exempt status.

(c) Special needs housing projects with units dedicated during the term of the exemption by covenant to households which include persons with special needs, such as mentally or physically disabled or other categories of persons as defined by the Federal Fair Housing Amendments Act of 1988 (or successors).

(2) In eligible sites (GRC 10.50.055) in the Civic Neighborhood Plan District and the High Density Residential-60 and Transit Development Districts the following shall be emphasized:

(a) Mixed use projects that include ground floor service and commercial uses and residential housing that are consistent with the ground floor commercial design feature of GRC 10.50.085.

(b) Home ownership projects that contain dwelling units for individual purchase. Such projects will include within the project and for the term of the exemption at least 20% of the units available at an initial purchase price which does not exceed 95% of the median purchase price for a condominium or single-family attached dwelling (row house) unit in Multnomah County. The unit must be sold to a household earning no more than 100% of the area median family income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale. In order to qualify for the tax exemption, such units must be owner-occupied during the term of exemption. Should any unit become available during the term of exemption, it must be sold to a household earning no more than 100% of the area median family income during the year of sale in order to retain its property tax exempt status.

(c) Special needs housing projects with units dedicated during the term of the

exemption by covenant to households which include persons with special needs, such as mentally or physically disabled or other categories of persons as defined by the Federal Fair Housing Amendments Act of 1988 (or successors).

(d) Mixed income rental projects that include a mix of both market rate and assisted units. In a mixed income rental project a minimum of 60% but no more than 80% of the units shall be market rate units. The balance on the units shall for the term of the exemption include units for rent at rates which are affordable to households earning 60% or less of the area median family income or 10% below the market rental rate, whichever is less. The units must be rented to households whose incomes do not exceed 60% of the area median income upon initial occupancy of the unit. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 60% of the area median family income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent affordable rate to a qualified household so that the project continues to comply with all provisions of this article.

(e) Mixed rental units and units for individual purchase projects follow the guiding principles for rental and home ownership as provided in subsections (b) and (c) above;

(f) Higher density residential projects that have a unit per acre density of at least 50 units per net acre.

(g) Market rate rental projects that have on-site day care facilities available to the general public. A project that uses this provision for consistency with GRC 10.50.095 shall not use the day care facility to be consistent with the required design elements of GRC 10.50.085.

(h) Units within the Gresham Civic Neighborhood adjacent to the east side of Wallula Street must comply with the Gresham Civic Neighborhood Master Plan density.

(3) The Council may approve other projects which the Council finds:

(a) Results in the construction, addition or conversion of dwelling units at rental rates or for-sale rates which are accessible to a broad range of the general public; and

(b) Supports the goals of the Downtown or Civic Neighborhood Plan Districts, or the Central Rockwood Plan, as applicable.

(4) All projects must meet the minimum residential and commercial density requirements of GRC 10.50.035.

(Ord. No. 1466, Amended, 01/12/1999; Ord. No. 1445, Enacted, 07/16/1998)

10.50.105 Review of Application.

(1) Within 60 days from the date the application is filed, the manager shall review the application for completeness, compliance with the approval criteria of GRC 10.50.045, economic feasibility and recommend to the council that the application be approved, denied, or approved subject to conditions.

(2) The council shall review the application within 180 days of the date of application and approve, deny, or approve subject to conditions. Copies of the application shall be supplied to the council at least 14 days prior to council consideration. Final action upon the application shall be in the form of a resolution that shall include: the owner's name and address; a description of the subject multiple-unit housing; the legal description of the property and the county assessor's property account number, and all conditions imposed and upon which approval of the application is based.

(3) If the application is denied, a notice of denial shall be sent to the applicant, at the applicant's last known address, within 10 days

following the denial. The notice shall state the reasons for denial.

(4) If the application is approved, the manager shall, on or before the ensuing April 1, file with the county assessor a copy of the ordinance or resolution approving the application.

(Ord. No. 1445, Renumbered, 07/16/1998; Ord. No. 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.115 Exemption Duration and Exclusions.

(1) An eligible project for which an exemption has been approved under this article shall be exempt from ad valorem taxation for 10 successive years. The first year of exemption shall be the assessment year beginning January 1 of the year immediately following the calendar year in which construction, addition or conversion is completed, determined by that state in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption provided in this article.

(2) The exemption shall not include the land upon which the project is located, nor any improvement unless part of the multiple-unit housing or mixed use development or part of structured parking constructed as part of the multiple-unit housing construction, addition or conversion. Improvements as specified in the design elements of 10.50.085 are exempt improvements. This exemption shall be in addition to any other exemption provided by law. However, nothing in this article shall be construed to exempt any property beyond 100 percent of its real market value. In the case of a structure to which stories or other improvements are added or a structure that is converted in whole or in part from other uses to multiple family, only the increase in value attributed to the addition or conversion shall be subject to the exemption.

(Ord. No. 1445, Renumbered, 07/16/1998; 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.125 Termination.

If, after an application has been approved under this article, the city finds that the work was not completed on or before January 1, 2006; that any provision of this article has not been complied with; or that any agreement by the owner or requirement imposed by council is not being satisfied, the manager shall send a notice of proposed termination of the exemption to the owner's last known address, and to any known lender, mailed to the lender's last known address.

(1) The notice shall state the reasons for the proposed termination, and shall require the owner to appear before the council at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

(2) If the owner fails to appear and show cause why the exemption should not be terminated, the manager shall further notify every known lender and shall allow the lender a period of not less than 30 days, beginning with the date that the notice of failure to appear and show cause is mailed to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined by the council, to assure the council that the noncompliance will be remedied.

(3) If the owner fails to appear and show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured, the council will adopt a resolution terminating the exemption. A copy of the resolution shall be filed with the county assessor and a copy sent to the owner at the owner's last known address and to any lender at the lender's last known address, within 10 days after its adoption.

(4) If the owner does not seek review of the termination of an exemption pursuant to ORS 34.010 to 34.100, upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the

assessment and taxation of any property for which exemption was terminated by the city or by a court, in accordance with the finding of the city or the court as to the tax year in which the exemption is first to be terminated. The county assessor shall make such valuation of the property as is necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.216 to 311.232. Where there has been a failure to comply with ORS 307.670, the property shall become taxable beginning January 1 of the assessment year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

(5) The exemption may also be terminated as set forth in ORS 307.675.

(Ord. No. 1445, Renumbered, 07/16/1998; 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.135 Extension of Deadline.

Notwithstanding the provision of GRC 10.50.115, if the city finds that the construction, addition or conversion of the multiple-unit housing was not completed by January 1, 2006, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the city may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

(Ord. No. 1445, Renumbered, 07/16/1998; 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.145 Implementation.

(1) The manager shall establish procedures and prepare forms for implementation and administration of this article. The manager shall require the owner to submit an annual financial and operational report for each approved property tax exemption. The manager shall review each report and provide a summary to the council.

(2) Staff is directed to request formal endorsement from the Multnomah County Board of Commissioners in order that the property tax exemption apply to the ad valorem taxation of the following taxing districts in addition to the City of Gresham: Multnomah County, Educational Service District, Tri-Met, Metro and the Port of Portland.

(Ord. 1466, Amended, 01/12/1999; 1445, Renumbered, 07/16/1998; Ord. No. 1445, Amended, 07/16/1998; Ord. No. 1370, Enacted, 08/15/1995)

10.50.155 Continuation of Prior Exemption.

Any project granted an exemption prior to July 16, 1998, shall not be affected by the amendments to GRC Article 10.50 and shall be subject to provisions in effect at the time the exemption was granted, and for this purpose those provisions of GRC Article 10.50 (Ord. No. 1370) shall continue to be in effect and shall continue to apply to the project and exemption as if the amendments made to GRC Article 10.50 on July 16, 1998, were not in effect.

(Ord. No. 1445, Enacted, 07/16/1998)

MAP A.1

**Property Tax Exemption for New, Transit
Supportive Multiple-Unit Housing or
Mixed Use Development**

(Electronic Copy Not Available)

MAP A.2

**Property Tax Exemption for New, Transit
Supportive Multiple-Unit Housing or
Mixed Use Development**

(Electronic Copy Not Available)

Article 10.60

**MARINAS AND FLOATING
STRUCTURES**

Sections:

- 10.60.010** [Statement of Purpose and Intent.](#)
- 10.60.020** [Scope.](#)
- 10.60.030** [Definitions.](#)
- 10.60.040** [Administration and Enforcement.](#)
- 10.60.050** [Regulations for Floating Structures.](#)
- 10.60.060** [Regulations Pertaining to Floating Homes, Combos, Boat Houses and Related Accessory Structures.](#)
- 10.60.070** [Construction Other than Floating Homes.](#)
- 10.60.080** [Engineered Construction.](#)
- 10.60.090** [Electrical Installations.](#)
- 10.60.100** [Plumbing Installations.](#)
- 10.60.110** [Mechanical Installations.](#)

10.60.010 Statement of Purpose and Intent.

It is the purpose of this ordinance to promote the public's health, safety and welfare through the regulation of floating structures and their appurtenances. These regulations recognize that waterborne structures, by their very nature confront different environmental factors than do structures located on land. Furthermore, it is recognized that waterborne structures have distinctive design requirements such that strict adherence or application of the land oriented Specialty Codes is not always appropriate and that modifications or exceptions should be made in appropriate circumstances in the application of those codes.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.020 Scope.

The provisions of this ordinance apply to the construction, addition, prefabrication, alternation, repair, use, and occupancy of floating structures. This ordinance does not apply to the

construction, maintenance, or operation of vessels or boats, except a boat shall not discharge waste into the waters of the City except as allowed by federal (Coast Guard approved sanitation devices) or state regulations.

Floating structures moved into or constructed in the City of Gresham shall comply with the latest edition of the Oregon State Specialty Codes and this ordinance as for new construction. Floating Homes, combos and their accessory structures shall be built to the Oregon Residential Specialty Code and all others shall be classified by the Building Official per their building use in the Oregon Specialty Codes.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.030 Definitions.

Addition. An increase in the floor area or height of a structure or building.

Alteration. Any change or modification of existing construction.

Berth. An open (uncovered) waterside area defined by floating walkways and finger-floats, for the wet storage of a boat.

Boathouse. A covered floating structure used primarily for the wet or dry storage of a boat.

Combo. A boathouse-floating home combination.

Dangerous Structure. Any structure that has the potential to threaten the safety of person or property.

Fire Apparatus Access Roads. Roads providing the driving surface for fire department vehicles responding to an emergency, extending from a public right of way to a point nearest a moorage or marine gangway or pier.

Floating Home or Houseboat. A floating structure used primarily as a dwelling unit.

Floating Structure. A structure supported by a flotation system and held in place by piling and mooring devices, including but not limited to boathouses, floating homes, marinas, and walkways.

Gangway. A variable slope structure intended to provide pedestrian access between a fixed pier or shore and a floating structure.

Marina. Floating structure(s) used primarily for the service, and/or repair, sale or moorage of boats in berths, but may include other occupancies.

Moorage. A site used for the mooring of one or more floating structures or boats and includes the piling, mooring connectors, piers, ramps, gangways, walkways, and the land area used in conjunction therewith.

Moorage: Pre-existing Non-conforming. Built or annexed before 1985.

Moored or Mooring. The attachment of a boat or floating structure in one location temporarily or permanently to piles, walkways, gangways, piers or other structures.

Mooring Connectors. A connection between a floating structure, floating home, boathouse, berth, or marina, and a pile, pier, walkway, ramp, gangway or other structure, with the capability to hold the structure in place under reasonably expected conditions.

Mooring Site. A site within a moorage designed or used for the mooring of a boat, boathouse, floating home or other occupied floating structure.

New Construction. A new building or structure or an addition to an existing building or structure.

Pier. A non-floating fixed platform extending out over the water from shore to which gangways are usually attached.

Ramp. A fixed sloped structure providing pedestrian access between portions of a moorage, which are at different elevations.

Repair. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

State of Oregon Specialty Codes. A code of regulations adopted under GRC Chapter 10 commonly referred to as the Structural Specialty Code, Mechanical Specialty Code, Plumbing Specialty Code, Electrical Specialty Code, Residential Specialty Code and the Fire Code.

Tender House. A non-habitable, floating accessory building.

Transient Tie-Up. A floating structure used exclusively for the open moorage of pleasure boats on a short term, maximum 72-hour stay.

Walk. A fixed portion of a floating home structure providing access to and around a floating home.

Walkway. A covered or open floating structure used for ingress or egress to a mooring site. There are three types:

(1) Finger-float. A fingerlike floating structure, usually attached perpendicular to a main walkway, which physically defines a berth and provides direct pedestrian access to and from a berthed boat or floating home.

(2) Main Walkway. A floating structure to which several finger-floats are attached, thereby providing direct pedestrian access between the berths and marginal walkways or shore.

(3) Marginal Walkway. A floating structure, which provides pedestrian access between two or more main walkways and/or shore.

Waste. Means garbage, litter, or sewage including kitchen, bath and laundry waste except for effluent from Coast Guard approved sanitation devices.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.040 Administration and Enforcement.

(1) Responsibility.

(a) The Building Division shall administer and enforce the provisions of this ordinance except that the Fire Marshal shall have the responsibility for the inspection of

existing moorages as well as the testing and inspection of standpipes. In the event that the Fire Marshal determines a violation of this ordinance has occurred at a moorage under his jurisdiction, he shall report the same to the Building Division which will then have the enforcement authority thereof.

(b) The State of Oregon Marine Board shall have responsibility for enforcing pleasure boat rules and regulations pertaining to operation and carriage requirements; and issuance of a certificate of Title, identifying number plate, and disposition of all abandoned floating homes, combos and boathouses; and rules and regulations regarding floatation encapsulation. The State of Oregon Department of Environmental Quality shall have responsibility for enforcing violations pertaining to the dumping of waste into the waters of the City.

(c) Nothing in this ordinance is intended to displace or conflict with any other relevant federal, state statute, rule or regulation nor grant exemption there from.

(2) Permits and Inspections.

(a) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, or convert any structure regulated by this ordinance, except as provided for herein, or cause the same to be done without first obtaining a separate permit for each structure from the building official as required by this ordinance.

(b) Exemption from the permit requirements of this ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this ordinance or any other rules or regulations of the City of Gresham, the State of Oregon, or the Federal government. Failure to comply with the terms of this ordinance, subjects a person to such remedies as the building official, in the exercise of their reasonable discretion, deems appropriate and as may be otherwise limited

by law. Unless otherwise exempted, separate, building, plumbing, electrical and mechanical permits are required for any work performed covered by this ordinance.

(c) Permits and inspections shall be required for the following:

(i) For all work, including fire protection systems, a permit shall be obtained before beginning construction, additions, alteration or repairs (other than ordinary repairs), using application forms furnished by the building official. Ordinary repairs are nonstructural repairs and do not include addition to, alteration of, or replacement or relocation of water supply, sewer, drainage, drain leader, gas, waste, vent or similar piping, electrical wiring, or mechanical or other work for which a permit is required by the building official.

(ii) Permanent connections to docks for plumbing, electrical, structural and mechanical work, where existing or new floating homes or combos are moved into or moved within the City of Gresham.

1) Arrangements with regard to permits and inspection for projects constructed outside of Gresham but intended for use in Gresham are to be made with the Building Official prior to the commencement of construction or installation.

(iii) The new construction of public and private floating structures such as, but not limited to, moorage, marinas, yacht clubs, places of assembly, living quarters, marine service stations and repair facilities; and attendant piling, mooring connectors, piers, ramps, gangways, walkways, land structures, roadways and parking areas.

(iv) Any new and/or alteration to any electrical, plumbing, heating/air conditioning installation on a floating structure, including wood stoves.

(d) **Inspection requests.**

(i) The permit holder or permit holder's agent shall be responsible to request inspection and obtain approval prior to proceeding with the next phase of work.

(ii) Owners of gated marinas are required to provide full access to their marinas for the purpose of inspections and investigations. Where needed the city will be provided a key card or access code for Official use only.

(3) **Fees.** Fees shall be paid in advance for all permits and inspections as required by other ordinances of the City of Gresham.

(4) **Right of Appeal.** A person aggrieved by a requirement, decision, or determination arising out of this Article may appeal pursuant to GRC 10.05.130.

(5) **Alternate materials, methods, and systems.** The provisions of this code are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by this ordinance, provided the Building Official determines that the proposed alternate materials, appliances, equipment or methods of design or construction are at least equivalent of that prescribed in this ordinance in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, safety and sanitation.

(6) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, or when the strict application of the Specialty Codes does not allow the use of traditional nautical design, the Building Official may grant modifications for individual cases, providing that findings are first made that a special individual reason makes the strict letter of the codes impractical, that the

modification is in conformity with the purpose and intent of the codes and that such modification does not lessen any fire protection requirements or any degree of structural integrity.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.050 Regulations for Floating Structures.

(1) **General.**

(a) Floating structures and moorages shall comply with these specific regulations as well as applicable Specialty Codes, including NFPA 303, and all other applicable regulations of the City, State, and Federal governments. Where conflicts exist between these specific regulations and other regulations, this ordinance shall apply. All installations lawfully in existence at the time of the adoption of this ordinance may continue, provided such continued use is not dangerous to life or adjoining property and is maintained in good working order.

(b) Existing floating structures moved to the City of Gresham shall comply with this ordinance as though they were new construction or they must be approved by the Building Official.

(2) **Maintenance.** All floating structures and supporting structural systems, electrical, plumbing and mechanical installations and devices required by this ordinance shall be maintained in good serviceable condition.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.060 Regulations Pertaining to Floating Homes, Combos, Boat Houses and Related Accessory Structures.

(1) **Floating Homes, Boat Houses and Combo Structures.** (As used in this article, Floating Homes includes Boat Houses, Combo Structures and accessory structures.)

(a) Regulations pertaining to alterations and additions to floating homes. Alterations of up to 50 percent, by size, and additions of

up to 25 percent, by size, may be made with like materials in a like manner without regard to new construction clearance above water and separation requirements.

(b) Retroactive Identification Required of Existing Floating Homes. Within 60 days of the adoption of this ordinance, all floating homes shall be identified by number or letter minimum 4 inches in height and visible from the dock.

(2) Separation Required Between Existing Floating Structures.

(a) Separation required between existing floating homes:

(i) The separation existing at the time of the adoption of this ordinance between one floating home and another is approved.

(ii) Floating homes relocated within a moorage or moved from one moorage to another shall be spaced a minimum of 6 feet apart between the nearest exterior walls and 4 feet apart at the nearest roof projections, or be provided with the alternative protection system as required in GRC 10.60.060(2)(b).

(iii) Main floor additions to existing floating homes, up to 25 percent by size, may be built with the same separation that existed at the time of the adoption of this ordinance.

(iv) New, main floor additions to existing floating homes, in excess of 25 percent by size, and second floor additions of any size, shall be spaced a minimum of 6 feet apart between the nearest exterior walls and 4 feet apart at the nearest roof projections, or be provided with the alternative protection system as required in GRC 10.60.060(2)(b).

(b) Alternate protection systems to minimum separation between adjacent floating homes. When the wall-to-wall separation is less than 6 feet, or the roof-to-roof separation is less than 4 feet, the structure being moved or added to shall be equipped throughout with a complete automatic sprinkler system installed in compliance with NFPA 13D or alternate methods approved by the building official.

(3) Separation Required Between New Floating Structures.

(a) Distance between floating homes.

(i) Floating homes at new moorages shall be spaced a minimum of 10 feet apart between the nearest exterior walls and 8 feet apart between the nearest roof projections.

(ii) Separation distances may be reduced to 6 feet apart between the nearest exterior walls and 4 feet apart between the nearest roof projections when one of the following is provided:

1) A complete sprinkler system is installed in compliance with NFPA 13D.

2) One hour rated exterior walls with protected openings.

(b) Occupancy separation. A covered boat well, in a floating home, enclosed on more than two sides shall be separated from the habitable space per the Oregon Residential Specialty Code requirements for Garages and Carports with water resistant gypsum board on the boat well side.

(4) Materials and installations.

(a) Structural materials within 18 inches of the water.

(i) Structural members and connectors shall be fabricated of materials or be coated or treated such

that the materials will resist deterioration due to their proximity to the water, except logs used for flotation, steel piling and steel stringers.

(ii) Framing lumber shall be pressure treated with an approved preservative; framing connectors shall be hot-dipped galvanized or noncorrosive metal except for pins; plywood shall have exterior type adhesive; exposed plywood shall be exterior grade.

(b) Thermal insulation. Main floor insulation shall be of a type approved for damp locations.

(c) Under-floor ventilation. All enclosed floating home, combo, or boathouse wood construction systems, shall be ventilated in accordance with the building code.

(5) Conventional Construction Methods and Materials for Floating Homes.

(a) Floating homes. The following methods and materials are approved without engineering provided the highest point of the roof structure measured from the top of the first floor joists does not exceed 75 percent of the minimum width of the log float.

(i) The logs and stringers forming the floats under floating homes and living portions of combos shall conform to these provisions:

1) The structure on the float cannot be larger than the float, except for decks.

2) Raft logs are to be 16 inch minimum diameter at the tip and shall be spaced no greater than 18" between tangent points.

3) Bearing walls should align over stringers or centerline of logs.

When not feasible, adequate support for bearing walls shall be provided.

4) If the building inspector finds the completed log raft insufficiently stable for the intended structure he or she may then require the stringer layout to compose a rigid frame by the addition of side chords and fixed joints or cross bracing.

5) Logs shall be Douglas Fir, Sugar Pine, Lodge Pole Pine, Western (Idaho) White Pine, Alaska Yellow Cedar and Sitka Spruce, sound and free of all bark above the water line.

6) In a floating home foundation float at least 50 percent of all logs shall be full length. Segmented logs must be alternated between full-length logs. All outboard logs shall be full length of the float.

7) Logs shall be notched so as to provide sufficient bearing for the stringers. The seat of the notch shall be a minimum of 4-1/2 inches above the water level.

8) Timber stringers shall be nominally a minimum of 4 inches by 10 inches for one story construction and 6 inches by 10 inches for two story or higher construction and shall be pressure treated to a retention of 0.4 pounds per cubic foot or refusal. Steel stringers shall be wide flange shapes with a minimum depth of 10" and minimum thickness of .25 inches.

9) Stringers inside of bearing walls shall be placed on the logs not more than 4 feet on center and fixed to the logs with headed steel

rods a minimum of 5/8 inches in diameter and a minimum of 20 inches long. These pins are to penetrate the log at least 10 inches. Outside log connections and log ends are to have two pins.

10) The wood construction below the joists is to be inspected for proper construction and soundness of logs, including dapped bearing connections, prior to installation of joists.

(b) Floatation. Floating homes need only have adequate flotation to maintain a clearance above the water that will result in the lowest floor being dry under all applicable load conditions.

(c) Connections:

(i) Floating homes shall be anchored with connections to the logs. There shall be a minimum of two attachment points to the logs and these points shall be a minimum of one foot from each end.

(ii) The connections shall consist of a steel bracket or other approved connection. The bracket is to be 3/8 inch thick and adequate in size to support the pins. Pins are to be a minimum of 4 inches apart. This bracket shall be fixed with a minimum of three, headed steel rods a minimum of 5/8 inch in diameter and penetrate the log at least 10 inches.

(iii) The connections from the bracket to the walkway or piling shall consist of chain with a minimum link wire diameter of 1/2 inch. If attached to walkway logs, the boom chain shall be looped around the second log or most secure log of the walkway.

(d) Walkways.

(i) Floating walkway supports may consist of pressure treated 6 inch x

6 inch stringers not more than 6 feet-0 inches on center or 4 inch x 6 inch stringers not more than 5 feet-0 inches on center anchored to the logs with headed steel rods as described above. Single headed steel rods may be used at interior logs. Maximum joist spacing is 2 feet-0 inches on center.

(ii) Walkways shall be adequately secured to pilings.

(iii) A 2-foot wide walk providing a clear and unobstructed egress shall be provided on all sides of all floating homes where emergency egress is required on the main floor, with a continuous path to the main dock.

(e) Mooring connections.

(i) The intent of the provisions of subsection (c), above, is to provide construction that shall be adequate to keep the structure in place under all reasonable load conditions. In some instances it may be necessary for the builder to provide additional measures.

(ii) Bumpers or impact absorbing cushions must be attached to the foundation float near anchorage connection points, minimum two per floating home float.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.070 Construction Other than Floating Homes.

(1) Moorages.

(a) Identification. All moorages shall be provided with identification as follows:

(i) All moorages shall be identifiable by name and address from the street on which they front at or near the point of emergency vehicle access. The design must be in high contrast with their background and the symbols must not be less than 6 inch in height with a stroke of not less than 3/4 inch.

(ii) The head of the gangway providing access to the moorage shall be obviously identifiable from the point of emergency vehicle access; or in those cases having a secondary access road, from the shore end of the access road; or the facility shall be signed as required to provide such identification.

(iii) When door to gangway is locked, install an approved lock box and provide key or card key for Fire Department access.

(iv) The location and identification of all floating structures shall be obvious from the head of the gangway or a sign shall be provided indicating the layout of the moorage and the walkway and structure identification method.

(v) The walkway and structure identification shall be logical and obvious.

(2) Existing Moorages.

(a) Fire protection standpipe shall be installed per NFPA 14.

(i) The following described fire protection standpipe system shall be required at all moorages within one year of the effective date of this ordinance; or an agreement shall be established within 6 months of the effective date of this ordinance for such an installation to be completed within 3 years from the date of the agreement, unless an alternative arrangement has been previously approved by the Fire Marshal.

EXCEPTIONS:

1. Installations requiring the use of pumps may have an additional year for the installation of the pump or pumps.

2. Installations for moorages serving only pleasure boats may have an additional 3 years for the installation of the complete system (6 years total) from the date of adoption of this ordinance.

3. Installations for moorages used exclusively for loading and off loading boats or vessels and transient tie-up moorages.

(ii) Moorages having any portion of a floating structure more than 250 feet from the point of fire apparatus set up, shall have a dry standpipe system designed and installed in accordance with the Oregon Fire Code, NFPA 14 and the following:

1) Have a water supply that complies with any one of the following:

a. Municipal water providing 1000 GPM through an approved fire hydrant located within 50 feet of the closest point of fire department access to a moorage site exit ramp with a Fire Department Connection (FDC) within 50 feet of this fire hydrant.

b. Rivers or associated bodies of water with pump or pumps capable of providing 250 GPM at 100 psi to any single outlet on the standpipe system. Pumps are to be powered with natural gas or propane and be listed by Underwriters Laboratory.

2) Have standpipe sized to provide 250 gallons per minute at 100 psi pressure to any single outlet with a maximum input pressure of 150 psi.

3) Have adequate drain valves installed to ensure complete drainage.

4) Have gate valve outlets made of noncorroding metal, 2-1/2 inch I.D. with National Standard threads spaced a distance apart as follows:

a. For moorages having marine service stations, floating homes or other type of structures having permanent living quarters, valves are to be every 100 feet and within 50 feet of the end of walkways.

b. For moorages serving only boathouses, valves are to be every 150 feet and within 75 feet of the end of the walkways.

c. For moorages having only open moorage of pleasure boats, standpipes shall only be required along the marginal walkway with valves required only at intersecting main walkways, or not less than every 200 feet and 100 feet from the end of marginal walkways not having intersecting main walkways.

5) All fire protection standpipe systems shall be installed under benefit of permit from the Gresham Building Department.

6) Standpipe systems shall be tested in accordance with the Oregon Fire Code and NFPA 14. The Fire Marshal shall be notified at least 24 hours in advance of all tests and tests shall be done in their presence or the presence of their representative. An annual service test will be conducted by a

qualified service agency to assure the continuity of the system.

7) Fire extinguishers rated not less than 3A:40BC shall be secured in place beginning at the start of the walkway system and repeated at intervals not to exceed 150 feet on all walkways and finger floats.

(b) Regulations pertaining to repairs to moorages.

(i) Repairs requiring the replacement of 50 percent or more of the piling shall be made in accordance with the provisions for new construction.

(ii) Repairs requiring the replacement of less than 50 percent of the piling may be made with like materials in a like manner.

(iii) Walks: The following repairs of existing walks are allowed without permit or inspection:

1) Replacement of the decking, stringers and flotation logs.

2) Repair or replacement of up to 50 percent of the concrete portions of a concrete float.

(iv) The repairing of any portion of a moorage in like manner to the original construction is allowed providing the resulting repair or replacement does not cause an unsafe or overloaded condition.

(c) Regulations pertaining to alterations and additions to moorages.

(i) Walkways and supporting structure.

EXCEPTION: Gangways and standpipes required as a result of any addition shall be provided in conjunction with such addition.

(3) New Moorages

(a) Fire apparatus access roads. Access to moorages shall be by fire apparatus access roads having all-weather driving surfaces capable of supporting a 35-ton load. Such roads shall be a minimum 20 feet wide, and 26 feet wide at fire hydrant locations, with not less than 13 feet-6 inches overhead clearance. They shall be provided from the nearest public way to the head of the gangway. Fire apparatus turnarounds shall be required on any fire access road having a dead end exceeding 150 feet.

(b) Moorage exits. Two exit gangways are required whenever any one of the following conditions apply:

(i) The marginal walkway exceeds 250 feet.

(ii) Total distance from the nearest point of apparatus set-up (usually at the head of a gangway) to the most remote portion of the moorage exceeds 800 feet.

EXCEPTION: Moorages used for the moorage of pleasure boats without covers (open moorage configuration) and having not more than two floating homes need have only one exit gangway.

When two exit gangways are required, they shall be separated by the maximum distance possible so as to avoid the possibility of any one fire cutting off exit or access to both exit gangways.

(c) Fire protection.

(i) Moorages having any portion of a floating structure more than 250 feet from the point of fire apparatus set

up, shall have a dry standpipe system designed and installed in accordance with the Oregon Fire Code, NFPA 14 and the following:

1) Have a water supply that complies with any one of the following:

a. Municipal water providing 1000 GPM through an approved fire hydrant located within 50 feet of the closest point of fire department access to a moorage site exit ramp with a Fire Department Connection (FDC) within 50 feet of this fire hydrant.

b. Rivers or associated bodies of water with pump or pumps capable of providing 250 GPM at 100 psi to any single outlet on the standpipe system. Pumps are to be powered with natural gas or propane and be listed by Underwriters Laboratory.

2) Have standpipe sized to provide 250 gallons per minute at 100 psi pressure to any single outlet with a maximum input pressure of 150 psi.

3) Have adequate drain valves installed to ensure complete drainage.

4) Have gate valve outlets made of noncorroding metal, 2-1/2 inch I.D. with National Standard threads spaced a distance apart as follows:

a. For moorages having marine service stations, floating homes or other type of structures, having permanent living quarters, valves are to be every 100 feet and within 50

feet of the end of walkways.

b. For moorages serving only boathouses, valves are to be every 150 feet and within 75 feet of the end of the walkways.

c. For moorages having only open moorage of pleasure boats, standpipes shall only be required along the marginal walkway with valves required only at intersecting main walkways, or not less than every 200 feet and 100 feet from the end of marginal walkways not having intersecting walkways.

5) All fire protection standpipe systems shall be installed under benefit of permit from the Gresham Building Department.

6) Standpipe systems shall be tested in accordance with the Oregon Fire Code and NFPA 14. The Gresham Fire Department shall be notified at least 24 hours in advance of all tests and tests shall be done in their presence or the presence of their representative. An annual service test will be conducted by a qualified service agency to assure the continuity of the system.

EXCEPTION: Installations for moorages used exclusively for loading and off loading boats or vessels and transient tie-up moorages.

(ii) Fire extinguishers rated not less than 3A:40BC shall be placed in cabinets on posts beginning at the start of the walkway system and repeated at intervals not to exceed 150 feet on all walkways and finger floats.

(4) Gangways, Ramps, Walkways and Walks.

(a) Illumination. Gangways, ramps and walkways shall be illuminated by lights designed, constructed and maintained to provide a minimum average of 1-foot candle of light per square foot at the walking surface.

EXCEPTION: Recreational boat launching and transient tie up facilities.

(b) Slope and Surface. Gangways and ramps shall have a maximum slope of 1 vertical to 2.5 horizontal and shall have a non-slip walking surface or surface cleats securely fastened in place with a maximum spacing center to center of 1 foot 6 inches.

(c) Gangway width and rails. Gangways shall have a minimum, unobstructed width of 5 feet when a single gangway is required and 4 feet when more than one gangway is required and shall be provided with guardrails and handrails as required by the building code. Intermediate landings shall not be required for gangways.

EXCEPTION: Gangways serving an occupant load less than 10 and gangways serving recreational boat launching and transient tie up facilities need not be more than 4 feet in width.

(d) Walkway width. Walkways shall have a minimum, unobstructed width of 6 feet, except for finger-walkways, which may be 3 feet in width. Cleats, bull rails, mooring connectors, utility stands and the like may project into the required width of main and marginal walkways.
(Ord. No. 1636, Enacted, 01/18/2007)

10.60.080 Engineered Construction.

(1) General. Except those structures conforming to the conventional construction methods and materials, the minimum structural design of floating structures and moorages shall be in conformity with all applicable sections of the State Building Code and the requirements of this section.

(2) Engineer of Record.

(a) Hereafter, where the term "engineer of record" is written it shall mean either engineer or architect of record.

(b) The piling, mooring connectors, the gangway, and flotation system for all floating structures shall have an engineer or architect of record who is registered in Oregon.

(c) The Engineer of Record shall be responsible for establishing the design criteria and completing the design of the complete project. The Engineer of Record shall do this by preparing and certifying complete construction drawings and calculations for structural strength and flotation. The design criteria shall be substantiated by the Engineer of Record and noted on the first sheet of the construction drawings.

(d) If engineers or architects other than the Engineer of Record have been engaged to design a portion of the project (piles for example), the Engineer of Record is to:

(i) Verify that the other engineer(s) or architect(s) have provided drawings and calculations certified by an Oregon engineer or architect.

(ii) Verify that the other engineer(s) or architect(s) have used design criteria (loads, load combinations, etc.) that have been established by the Engineer of Record.

(iii) Verify the compatibility of the portion's design with the design of the complete project.

(iv) Verify that the designs of structural connections between the portion(s) of the project designed by other engineers and portions designed by the Engineer of Record have been accomplished by an engineer or architect registered in Oregon.

(v) Place review approval stamp on all drawings and calculations prepared by the other engineers showing that a. through d. have been accomplished.

(3) Loading.

(a) All floating structures, piling, mooring devices and gangways shall be designed and constructed to sustain, within the stress limitations specified in the State Building Code, all applicable loads specified in the State Building Code and this ordinance.

(b) Current loads shall be calculated on the basis of maximum current anticipated at the location of the structure.

(c) Wave and wake loads shall be calculated on the basis of the maximum possible wave and/or wake that can be expected at the location of the structure.

(d) Impact loads from boats, debris and other objects shall be considered with a minimum velocity of 2 feet per second.

(e) Gangways not more than 6 feet wide shall be designed to sustain a live load of 50 psf unless they serve structures that contain an occupancy where more than 50 people may occupy a room at one time such as some dining establishments or meeting rooms. Those gangways and all those more than 6 feet wide shall be designed to sustain a live load of 100 psf.

EXCEPTION: Gangways not more than 6 feet wide serving public recreational boat launching and transient tie up facilities may be designed to sustain a live load of 40 psf.

(f) All floating structures, piling, mooring connectors, gangways and ramps shall be designed and constructed to resist lateral forces produced by the reasonable combination of expected wind, current, wave/wake and impact loads at the location.

(4) Mooring connectors.

(a) Every floating structure shall be moored with connectors having the capacity to hold the structure in place under all expected conditions.

(b) All structures the mooring connectors are attached to, including walkways, pilings, or others, shall be designed to withstand the loads from the mooring connectors. The engineer of record's design criteria for the project shall include the maximum dimensions of the floating structure(s) as these determine the loads on the mooring connectors and their supports.

(5) Piling.

(a) The floating structure shall be attached to piling which is adequate to resist lateral forces produced by any normally expected combination of wind, current, wave, wake and impact.

(b) The minimum height of the top of the piling shall be a minimum of two feet above the 100 year flood elevation as shown on the Federal Insurance Rate Maps published by the Federal Emergency Management Agency.

(6) Flotation. The following applies to all floating structures:

(a) Floating structures shall be constructed and maintained to provide a flotation system that complies with the requirements of this article. The flotation devices shall be structurally sound and securely attached to the framing for the superstructure, except that foam flotation blocks may be held in place by friction only. The flotation systems shall provide support adequate to provide a level and safe walking surface under all reasonable load conditions.

EXCEPTION: Floating homes, boathouses and combos need only have adequate flotation to maintain a

minimum of 4 ½" clearance above water under all applicable conditions.

(b) Clearance Above Water. The clearance above water as measured from the water line to the top of the lowest point on the floor or deck under usual dead load conditions, shall not be less than 1 foot-0 inches for walkways, and not less than 1 foot-8 inches for all other floating structures.

(c) Live Loads. In addition to dead loads, the flotation system shall be adequate to support the maximum condition of the following minimum live loads. Depending on use, higher loads may be more appropriate.

(i) 40 psf applied to the gross floor area.

(ii) A concentrated load of 300 lbs. at stairs.

(iii) For nonresidential occupancies, the live load required by the State Building Code for the particular nonresidential occupancy.

(iv) Pedestrian walkways or ramps 40 psf.

(v) At locations where live loads are transmitted from gangways to floating structures, the live load may be reduced 40 percent on the gangway for purposes of calculating the reaction only. Additional flotation may have to be provided to compensate for this reaction on the floating system to maintain the prescribed clearance above water.

(d) Stability with short term, off-center loading or wind loading. The floating structure when subjected to either off-center loading or wind loading shall not exceed the following limitations:

(i) The maximum angle of list shall not exceed 4.0 degrees, or the clearance above water when measured

from the water line to the top of the first floor or deck shall not be less than 1/3 of the normal clearance above water, whichever is the more restrictive.

(ii) The ratio of resisting moment (Mr) to applied moment (Ma) shall be equal or greater than unity: The resisting moment due to buoyancy (Mr) shall be computed about a longitudinal axis passing through the center of gravity at a list angle of not more than 4.0 degrees.

(iii) The minimum off-center loading shall be considered as applicable to the completed structure and shall be considered in addition to all dead loads. It shall consist of a minimum live load of 100 pounds per lineal foot of floor length at the first floor and 50 pounds per lineal foot of floor length at each additional floor or loft. If the width of the floor or loft exceeds 20 feet then the load shall consist of 5 pounds times the width of the floor per lineal foot of floor length at the first floor and 2.5 pounds times the width of the floor per lineal foot of floor length at each additional floor or loft. These uniform live loads are to be applied halfway between the center of gravity and the outside edges of the floors. The overturning moments resulting from the off-center loadings (Ma) shall be computed about both sides of the center axis of gravity.

(iv) Other appropriate eccentric or off-center loading due to wind, snow, ice, live loads or combinations of these shall also be considered.

(Ord. No. 1636; Enacted, 01/18/2007)

10.60.090 Electrical Installations.

(1) All electrical work shall be designed and installed in accordance with the State of Oregon Electrical Specialty Code, NFPA 303, The Oregon Residential Specialty Code and this

article. Permits and inspections are required for all work.

(2) Transformer pads shall not be located closer than 8 feet to combustible surfaces and 2 feet to noncombustible surfaces.

(3) Existing overhead power drops shall be maintained a minimum of 12 feet above walking surfaces and/or the ordinary high water line.

(4) New docks and replacement drops shall be installed under the dock.

(5) Electrical installations within 2 feet of the water shall be considered to be in a wet environment, except that installations inside a structure and not exposed to the water may be considered to be in a dry environment.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.100 Plumbing Installations.

(1) Plumbing installations shall be designed and installed in accordance with the Oregon State Plumbing Specialty Code (O.S.P.S.C.), The Oregon Residential Specialty Code and this article. Permits and inspections shall be required for all work.

(2) Sewage ejectors shall be installed in accordance with the manufacturer's instructions and the O.S.P.S.C., except that the head pressure required by Section for testing drainage systems is reduced from 10 feet to 5 feet for ejectors installed at individual floating homes.

(3) Flexible connectors for water lines shall be approved by the National Sanitation Foundation and be of the type approved for mobile home installations or marine use.

(4) Piping materials shall be as specified in the O.S.P.S.C.

(5) Continuously running water through the moorage supply line is an acceptable alternate to pipe insulation to avoid pipe freezing.

(Ord. No. 1636, Enacted, 01/18/2007)

10.60.110 Mechanical Installations.

All mechanical work including but not limited to heating, air conditioning, ventilating, gas piping and woodstoves, shall be designed and installed in accordance with the State of Oregon Mechanical Specialty Code, The Oregon Residential Specialty Code and this article. Permits and inspections shall be required for all work.

(Ord. No. 1636, Enacted, 01/18/2007)

Article 10.80

PENALTIES

Sections:

10.80.010 Penalties.

10.80.010 Penalties.

(1) Fire Code Violations

Violation of the following sections of the Uniform Fire Code are Class A misdemeanors:

- (a) Section 2.108(b), Interference with Fire Department
- (b) Section 3.101, Unlawful Continuance of Fire Hazard
- (c) Section 10.104, Tampering with Fire Equipment
- (d) Section 13.202, False Alarms
- (e) Section 80.104, Release of Hazardous Materials

(2) Fines

(a) Except as otherwise provided, violation of any other provision of the Uniform Fire Code or any section of this chapter is a Class A violation. A person convicted under this section shall be fined no less than \$100. Each day of violation is a separate offense.

(3) Costs

The court may impose costs it deems sufficient, if they were incurred for enforcement of any section of this chapter.

(4) Abatement

The imposition of a penalty does not relieve a person of the duty to abate a nuisance. Upon

conviction for a violation under this chapter, the court may order abatement of the nuisance in addition to any fine or other penalty it imposes. In addition to any other penalties, any condition caused or permitted to exist in violation of a provision of this chapter shall be deemed a nuisance. The manager may enforce this chapter by compliance order, stop work order, abatement proceedings, or civil action as provided in GRC Article 7.50, or as otherwise authorized by law. (Ord. No. 1561, Amended, 12/03/2002; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1481, Amended, 09/21/1999; Ord. No. 1381, Amended, 02/01/1996; Ord. No. 1370, Renumbered, 08/15/1995, 10.30.010; Ord. No. 1282, Amended, 05/20/1993; Ord. No. 1267, Amended, 12/17/1992)